

ENGLISH POLITICAL THEORY

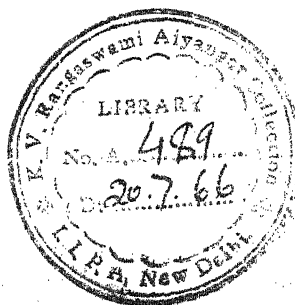
BY THE SAME AUTHOR
THE MEANING OF DEMOCRACY

ENGLISH POLITICAL THEORY

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CHAPTER I

THE NATURE OF POLITICAL THEORY

TO begin with defensive measures may savour of a guilty conscience, but there is nothing to be gained by denying the existence of an enemy.

Political theory is undoubtedly regarded in certain quarters as an abstract and a barren subject, useful only for professors who live by taking in each other's ideas and destroying them in the wash. That, treated in a certain way, political theory is both abstract and barren it is idle to deny; that, sensibly handled with a common-sense attitude to the real values of social life, it is both a concrete and a fruitful study it is my purpose to maintain. Political theory, like political practice, has suffered from the excessive attention of lawyers; and these lawyers have narrowed down to such an academic question as the nature of sovereignty what should be the widest and most vital of inquiries. For we are to ask not only what is the origin of society or community, but also what is its purpose and how that purpose can be most effectually realised. And these surely are questions of sufficient size and urgency not merely to justify the pursuit of political theory, but to

make that pursuit a necessary feature in the mental training of every citizen.

The fact is not that political theory is too limited; but that it is too difficult to limit. At one moment it seems to be verging upon sociology and political history, at another it is encroaching upon the sphere of economics; or, again, it is being confounded with ethics, the study of moral values, and the philosophy of conduct. At the outset some rough distinctions must be made. A business man has been bitterly described as one "who knows the price of everything and the value of nothing." This generalisation, whatever its intrinsic worth, does help us to separate economics from politics. "The dismal science" is concerned with things, politics with people. Economics must, of course, include consideration of people, but it considers them not as ends in themselves, but only in relation to the things they make, sell, and use. Politics equally must take things into consideration, but it does so only in relation to human or moral values. How, then, can politics be distinguished from ethics? Only in quantity, not in quality; for politics is but ethics writ large. While ethical theory endeavours to abstract the individual from his environment, and to decide what is good or bad for you and me as more or less isolated men (complete isolation is, of course, almost unthinkable), social or political theory regards us primarily as associated units, whether our bond be national or international, religious or racial, industrial or territorial. Ethical theory is incomplete without political theory, because man is an associative creature and cannot live fully in isolation; political theory is idle without ethical theory, because its study and its results depend fundamentally on our scheme of moral values, our conceptions of right and wrong. For if we can come to some agreement on the nature of a good

life as the result of our ethical reflections, we cannot then cut short our philosophy and close the book. We must pass from ethics to politics in order to discover the most fitting methods for extending our ideals from man to society, and for realising in the organisation of our community the various aspects of a good life.

Sociology is a word in common use, and by it most people designate the study of society's growth. It investigates the conditions of savage life and traces from these first beginnings the evolution of communities until it merges in ordinary political and social history. Or it may shade off into psychology and endeavour to answer the question, "How do people behave as members of society? How does the fact of association condition their conduct? What is the difference between A in his home and A in a crowd?" But sociology, whether it be interpreted historically or psychologically, is concerned with what has happened or does happen, not with what ought to happen. It may thus lay claim to be called "a science," since it is susceptible of exact results. But a thousand "ares" do not make a single "ought," and political theory is concerned with what ought to be done. It should thus be classified with ethics as philosophy, not with sociology as a science. Naturally "oughts" cannot be considered in complete isolation from, or ignorance of, the "ares" and "have beens"; thus political theory cannot neglect history altogether. It must make use of history only to transcend it. The historian's task is not to pass moral judgments; he may do so if he chooses, but that is not the essence of his work. But the political theorist is bound to do so. That is where he joins hands with the moral philosopher and parts company with the sociologist and economist.

Political theory is thus intensely practical and intensely important. This is a controversial statement, liable to the charge commonly brought against ethical theory. "It is all very well," says the man in the street, "for you to theorise about moral conduct and to lay down your categorical imperatives, your laws of this and duties of that. A man may take the best degrees in moral philosophy and yet be the least reliable of persons when it comes to taking action. It isn't only that he may be a Hamlet, thinking too precisely on the event; he may act only too often and too vigorously, revealing himself as an arrant blunderer. The writer of the most acute treatise on egoism and altruism, in which the nobility of the former is proved beyond a doubt, may turn out to be a crudely selfish individual. So, when it really comes to getting things done, give me a good common-sense fellow, uncorrupted by midnight readings of Kant and T. H. Green; he will prove in the end to be the best of friends and the best of men." This common protest contains a certain amount of truth. Nobody can deny that common sense (the Aristotelian "prudence") is an essential part of morality. But the claim on its behalf goes altogether too far. The fact that common sense is important does not prove it to be the only important thing; its value depends almost entirely on a simultaneous grasp of first principles. It is the very basis of right conduct that men should have their moral terms defined and analysed, and should not rely upon the ethical tradition of the community and their own hazy and often conflicting intuitions. Undoubtedly there are nature's gentlemen, untaught and unreflecting, virtuous by some divine good luck; but they are the rare exceptions. Equally undoubtedly there would be far less moral strife and angry disillusion if people were not con-

tent with meaning well, and were also resolute to think clearly.

Just the same dispute occurs over political theory. The demand for Business Government is one expression of the so-called practical man's attitude. In his passion for "getting things done" he demands the substitution of company-promoters for statesmen; this, it is supposed, will lead to rapid decisions and firm government. Now nobody in his senses wants slow decisions and weak government, but what every sane man wants is the wise decision. And wise decisions have no necessary connection with "getting things done." The trouble is that the people who specialise in getting things done so rarely know what sort of things to do. That is because they are not statesmen; they have no philosophy, no scheme of moral values. When it comes to framing a policy, they turn not to the first principles that govern society, but to the source of their momentary power—the man in the street. And they legislate in obedience to the popular catchword. Like the unthoughtful moralist, they rely upon tradition and haphazard suggestion. So doing, they may sometimes strike the right line, but their success is a matter of luck. A natural bent for political theory may not necessarily produce a good statesman, but the habit of reading and reflecting on the relations of man and society can certainly do no harm. The demand for Business Government is the demand for the demoralisation of politics in the strictest sense of the word. It is a confusion of non-moral economics with the essentially moral task of statesmanship.

The argument that political theory is impractical is based on a complete illusion. The fact that some philosophers procrastinate is no more a reason for condemning philosophy than the fact that some bald

men are mad justifies the segregation in asylums of all the bald. A wide training is no infallible guarantee of good statesmanship, but it is obvious that if a man has certain definite and reasoned ideas and ideals about society, if he has watched their growth and considered their suitability to the environment of the day, he is more likely to be a wise governor than one who relies upon the mere dexterity of common sense and a just reputation for ability to "get a move on." Let no one imagine that political theory is an Open Sesame to the cave of all the virtues; nor let anyone be infected by the tragically common delusion that thought is action's murderer and reflection the monopoly of idle and unprofitable dreamers.

It is sometimes urged against political, as against ethical, theory that it is incapable of giving definite answers; for instance, it is said that if you hold some view strongly about the nature of liberty or the rights of the individual or the spiritual value of democracy you cannot prove your position to an opponent with the same finality with which you can prove a proposition in geometry. This is perfectly true, and this is one very good reason for avoiding the term "political science." Science, rightly or wrongly, is a term usually applied to spheres of knowledge where exact results are obtainable, as in mathematics, and thus the use of the phrase "moral and political science" is open to serious misconception. Admittedly in ethics and politics you cannot, in the last resort, prove your opponent to be wrong; if he likes to maintain that selfishness is plain common sense, that ordinary morality is conventional humbug, and that right is might in all forms of society, you cannot demonstrate his error as you can show up the fallacy of one who believes equilateral triangles to have unequal angles. The

difference is this. Geometry lays down a series of postulates and axioms, about which there is a general concordance of opinion; from these it works straight forward to certain, demonstrable results. But in ethics and politics there may be a fundamental disagreement about first principles, since one man's virtue is another man's vice. These first principles cannot be proved, but are the result of a direct intellectual judgment or a mere emotional intuition. But that is no reason for abandoning as useless all study of ethical and political theory. What these studies can achieve is to bring men together in a common field of reflection and discussion, and, when this has been done, something fruitful has been accomplished. They begin to define their terms and to understand each other's standpoint; they may not in the end agree, nor is it desirable that all men should always agree. That it takes all sorts to make a world is both true and happily true. What we have to avoid is unnecessary misunderstanding. The Tory Imperialist and the International Socialist will never lie down in intellectual amity, nor will one ever prove the other to be wrong. But large numbers of men who disagree will, by studying the opinions of others and the history of those opinions, realise where, how, and why they disagree. Thus the resulting contest, instead of being a blind, happy-go-lucky struggle on the lines of catch-as-catch-can, will become orderly and purposive, conducted according to some sensible rules of the ring. And if the result is not unity but a mutual respect and toleration, the study of moral and political theory is more than justified. There is no science of politics any more than there is a science of æsthetics. If you cling to Millais and I to Millet as the finest painters of all time, and neither can persuade the other to a change of faith about

first principles, then we must agree to differ. We can argue till our heads ache, and from that argument much good may spring; but we cannot prove. Similarly, if one man holds to Junkerism and another to pacifism as the panacea, neither can achieve a mathematical demonstration of right and wrong. But it would be utterly foolish on that account to desist from all reflection on the nature of the beautiful in art or the nature of the good in politics.

The plain man accordingly has no valid reason for despising or distrusting political theory. If it is sometimes barren and sometimes abstract, it is not alone in being the victim of pedants. On the other hand, political practice touches and affects us all at nearly every minute of the day, and, where there is practice, there should theory be also, just as there should be no theory without practice. The current habit of laughing at all theory and reflection is the ugly and foolish product of an industrialised society, whose tastes are warped, whose values vitiated. There has been a marked tendency among those adult workers who desire further education to demand "economics" first and last and all the time. Luckily this tendency is decreasing, for the eagerness to study economics in isolation and in specialist's detail may result in a certain narrowness of outlook. Political theory, being the natural companion of economic theory since man is simultaneously citizen and producer, subject and consumer, certainly demands an equal attention. Nor need anyone imagine that the study of political theory condemns him to the absorption of constitutional practice and parliamentary manipulation; if he chooses to devote himself to the machinery of politics, if he has a preference for political institutions over political ideals, the materials are ready to hand and here is a

subject susceptible of complete accuracy and precision ; here is the sphere of a genuine political science. But if he is in search of excitement he should not pass by political theory ; in any healthy state of society, where the taint of corruption has not killed the vitality of common life by its slow poison, politics are found to be exciting. Politics, in the excellent and concise definition of Mr. Delisle Burns, is concerned with "moral judgment on the facts of relationships between individuals and groups."¹ In other words, when we discuss politics we are discussing right and wrong. And a discussion about right and wrong, properly and enthusiastically treated, can be the most exciting thing in human experience.

In this book English political theory is regarded historically ; but that must not be taken to imply a purely chronological method, a discursive description of what this man said and how that man answered him. My ambition is to trace the development of our main political ideas from the Middle Ages to the present day, concentrating primarily on their English origin and English aspect, but never ruling out the repercussion on our national thought of foreign events and philosophies. Sometimes it will be found that facts are the parents of thoughts, history moulding theory. Mediæval political theory, for instance, was largely the product of mediæval ecclesiastic and social institutions, while the contract theory of society gained strength with the growth of mercantilism and the increase of contractual relations in commerce. On the other hand, the thought of Rousseau was revolutionary, not evolutionary. His philosophy broke sharply away from the tradition of his century, typified by Montesquieu in France and Burke in England.

¹ C. Delisle Burns, *Political Ideals*, 3rd ed., p. 339.

His ideas consequently made history and did not follow it. The French Revolution was doubtless caused by a multitude of concurrent causes—economic, social, and political. But it was helped to birth by Rousseau's *Social Contract*, a book which was far more the work of individual genius than a product of social tendencies. In the same way those who reflected his thought and re-echoed his opinions in England were isolated from their age, leaders not led. At all times it is extremely difficult to decide how far a philosophy creates history and how far that philosophy is simply the inevitable expression on paper of forces and activities already at work in society—an intriguing question, and not one that is capable of a definite solution. None the less, the investigation of the history of ideas is always of interest, and always helps to illuminate whatever in those ideas may seem dark and cloudy.

It may be asked what are the actual questions which political theory attempts to answer. As was observed before, the difficulty is to narrow down these questions rather than to find enough of them. In general, we are asking how can the best life be realised in and for communities. This leads to the problem of the origin of society and the foundations of authority and government. We pass thence to the position of individuals in society, their rights and relationships, and the dependence or independence of the unit in the group. This necessarily involves the discussion of liberty and equality and of all the fundamental ideas that lie at the basis of democracy. Over and above this are the conflicting claims of various forms of community and the rivalry of Church and State, national and super-national authority, Trade Union and Trust, consumers and producers. Thus the problem is not simply to

adjust the individual to society, but also to adjust innumerable corporate bodies in one social harmony. Assuredly our task is not lacking in complexity, nor in matters of living interest and burning contention.

CHAPTER II

ENGLISH POLITICAL THEORY IN THE MIDDLE AGES

IT is commonly said that the Middle Ages lacked a theory of the State. That is true, for the simple reason that the State, as we understand it, did not exist. The Schoolmen, lacking the practice, could have no theory. But Society existed, of course; and as a result there were definite mediæval theories of society. These theories evolved with the evolution of society and attempted to solve only those problems which would naturally confront men living either on the land or else in extremely small urban communities and bound together in unity by the ties of religion and of industry rather than of nationality. "In the Middle Ages the Church was not a State: it was the State; the State or rather the civil authority (for a separate society was not recognised), was merely the police department of the Church."¹

The earliest English political theory is accordingly ecclesiastic both in source and in tendency. Education being the concern of the Church, thought was ushered along the narrow paths of orthodoxy; and philosophy, though it admitted Aristotle, was the handmaiden of religion and was kept strictly in this ancillary position. As a result, theory concerned itself with the two great questions of vital importance to communities whose chief

¹ *From Gerson to Grotius*, J. N. Figgis, p. 5.

foundation was membership of the Christian Church: firstly, with the ethical-political problem of poverty and a man's duty to his neighbour; and, secondly, with the legal-political problem of sovereignty and the rivalry between religious and secular authority. The latter dispute lay primarily between the Popes and the Emperors, and it naturally had its reactions in Catholic England; but it has, I think, been over-emphasised in the textbooks; and to the average English burgess, concerned with his workshop, his craft gild, and his municipal affairs, remote from European wars both of sword and principle, this battle for supremacy must have meant extremely little. But the other problem—the problem of poverty—was an intensely real one.

It is certainly wrong to regard the Middle Ages in England as static. While it is true that manners and methods of life and thought did not change with the speed of to-day, it is plain that from the time of the Crusades to the time of the Renaissance, English society was in a continual, though gradual, state of flux. Craft Gilds succeeded to Gilds Merchant, and themselves sank into dissolution and decay. Feudalism fell slowly to pieces, and a parallel process of pauperisation was taking place in urban and in rural life. The transition from the old agriculture to the new pasture, from the small equalitarian Gild to the large trading and aristocratic Gild, was bound to create enormous social gulfs and to set face to face with the new lords of commerce a genuine proletariat on modern lines, a mass of men without rights or property, selling their labour as best they could. Let us once and for all be rid of the complete illusion, sedulously planted by Catholic propagandists, that England was always merry until the Protestant came with the chimney-

pots of industrialism and the chimney-pot hat of Puritanical repression. John Ball was a leader of propertyless men, of landless peasants and victimised workers, and he fought his battle against the economic pressure of ever-increasing forces. "It was a rebellion of obsolescent communistic associations against the tightening legal and commercial grip of lords and abbots."¹ The peasants fought and failed. John Ball was hanged for his pains at St. Albans in 1381, a century and a half before the Protestant arrived to create, as we are told, the problem of poverty. This problem, caused both by the substitution of wagedom for serfdom in the country and by the dangerous financial and social divisions within the Craft Gilds, grew in intensity from the thirteenth century onwards and naturally attracted the attention of all speculative thinkers.

The philosophy of the Church had accepted and assimilated many of the ideas of Rome and with them had adopted the conceptions of Natural Law and the Law of Nations. The idea of Natural Law is based on the faith, common to most nations in their infancy of civilisation, that man has fallen into his present state of distraction, into his wars and robberies, his luxury and destitution, from a past blissfulness built upon an instinctive and unchallenged communism. Naturally this conception was most acceptable to the religious thinkers, who linked it at once with the ecclesiastical doctrine of the Fall of Man. Society had once been perfect, but had been corrupted by the sinfulness of man. Private property is in no sense an ordinance of God; it is the very reverse. "Meum et tuum ex iniquitate procedunt." It proceeds from sin.

We are faced, then, with this extremely important

¹ *Rees' History of English Socialism*, p. 20.

fact. English political theory has its roots in the same social problem that is vexing us to-day—the problem of private property and public poverty. And English political theory made its answer to the question, “What must we do to be saved?” by pointing back to Natural Law, to the imagined state of equality, liberty, and peace, and by insisting that only with the destruction of individual ownership can human happiness and freedom be guaranteed. Let us pass by the evidence of John Ball as being the oratory of an interested agitator. But Wycliffe, who died three years later with a European reputation as a reformer and philosopher, made no hesitation in proclaiming his theory that society must be unified. But the unification which he demands is of a double nature. The breakdown of feudalism and the growth of large and wealthy towns was destroying the static nature of the old agricultural society, breaking the balance of forces, and leading England to that chaos of baronial jealousy and mercenary warfare which culminated in the Wars of the Roses. A hundred years before those wars and a hundred and fifty years before the Tudor monarchs entered on their national policy Wycliffe had seen the necessity for cohesion and for the gathering of powers into the grip of one central authority. He therefore decided that the best form of government is a monarchy with plenary powers, against which there can be no resistance on the part of the subject because this, though a civil power, is ordained by God. Into the intricacies of the theological problems involved we need not enter; it is sufficient to notice that Wycliffe demands the unification of a decaying and disruptive society under a virtuous and omnipotent monarch. But he also sees that the roots of the social problem go far deeper than that. The mere construc-

tion of external authorities may be extremely useful, but it cannot achieve a real alteration in the constitution of man. To do that we must effect not only a unification of authority, but also a unification of interest. Strife must be checked from above and causes of strife must be removed from below. "Therefore all things must be held in common." The importance of Wycliffe to English political theory is not that he fought Papal claims and must be admitted an Erastian, not that he may take his place in the long line of adherents to the Divine Right of Kings, but that he really had a complete and logical theory of society. If society exists to enable men to live well, then it must guarantee a basic unity in order to prevent eternal strife. To do this it must construct an authoritative body or acknowledge an authoritative person; but merely to do this is not nearly enough. There must be community of purpose within society and this cementing purpose is not guaranteed by a mass of selfish wills accepting peace as the least evil; it is only guaranteed by social institutions which remove the cause of dissension, that is to say, by the abolition of private property.

Other philosophers before Wycliffe had approached the question and compromised. St. Thomas Aquinas, alluded to by Lord Acton as the first Whig in history, Alexander of Hales, and William of Ockham had accepted poverty themselves, but had explained that in a society corrupted from the state of nature and debauched by the Fall of Man communism could not be fairly demanded. They admitted the dictum of Adam Smith, that the affluence of the few supposes the indigence of the many, and they explained that this could be got over by the application of a discreet charity. Ockham, indeed, is in advance of his time

(the first half of the fourteenth century) because he justifies private property only if it be supported by public opinion. This introduction of "the consent of the governed" is unusual in mediæval thought which, springing from a custom-bound rather than a contractual society, worked usually in terms of unchallenged authority, human or divine. Wycliffe, succeeding Ockham in the struggle with Rome and in the leadership of political and religious thought, burked the question of political obedience, which John Ball was answering in no doubtful fashion with the appeal to arms and which Ockham had referred to democratic contract, but committed himself firmly to a pacifist communism. How it was to be attained we cannot tell, for Wycliffe did not apply himself to practical detail of this kind. But what is of extreme importance is the fact that English political theory before the Renaissance finds its highest level with Wycliffe; and with Wycliffe it is not a barren dispute about secular and religious sovereignty, not a triumph of ecclesiastical legalism, but an honest approach to everyday life and an honest attempt to solve the social problem on the lines of moral and material unity.

England prior to the Renaissance was an economic and religious rather than a political unit. The main problems of the average citizen were economic, and his status in the gild or on the land meant a great deal more to him than his status in the nation. But the gild was itself a deeply religious association, and again the citizen's status in the Church was of extreme importance. Mediæval thought consequently did not run along the lines of modern political theory. It was concerned with ecclesiastical problems and with economic problems, and in this it was profoundly right. Thinkers like Sir Frederic Pollock are impatient of

any political writer who does not at once separate ethics from politics and make of politics a legalist study of sovereignty. But the mediæval thinkers, taking life as they found it, had to make their social theory a blend of ethics, politics, and economics. And in stressing the economic rather than the political aspect of their work they were behaving in a perfectly natural and reasonable way. For instance, mediæval thought did not work in terms of liberty for two reasons. In the first place, a religious society is always extremely authoritarian; and, in the second, the economic status of the average man in the mediæval rural and urban economy did guarantee him as much liberty as he cared for (and we may admit that the passion for liberty was neither very deep nor extremely common). Accordingly when that economy was in the process of dissolution the dispossessed worker did not demand political rights: he demanded either property for all or property for none. In so doing he displayed, unconsciously perhaps, a vast amount of common sense. The proletarians of the nineteenth century demanded and gained political rights and, since these rights had no economic foundation, they proved almost worthless. As a result the working class had to begin their struggle over again and to organise themselves on an economic basis in the ranks of Trade Unionism. But the mediæval worker, having no conception of politics as we know them, either surrendered helplessly to the triumphant invasion of capitalism or fought his battle by the side of John Ball or Jack Cade in an economic and quasi-military sphere. He was beaten, but the political theory of his age, worked out by the leading Schoolmen in terms of natural law and communism, not in terms of positive law and political right, was a genuine expression of the minds of men. If it is urged against English

political theory of the time that it is not political at all but a jumble of ethics and economics, the only answer to be made is that mediæval life was a jumble of ethical and economic relations and only political in a rapidly growing but still quite minor sense. Should the critic object that we have no business to use the words "political theory" in connection with Wycliffe and thinkers of his type, the point might be conceded and the words "social theory" substituted.

The coming of the Renaissance flooded Europe with ideas new to mediævalism, but old to humanity. All the traditions of Hellenism came sweeping over the West and challenged, often to destroy, the accepted faiths of the Christian communities. Not only faiths, but institutions as well, went down before this unique invasion, but the main fact to notice is that the Renaissance, instead of checking or even mitigating the growing cancer of capitalism that was eating away the old life of gild and borough and manor, only served to aggravate the scourge and to hasten its destructive work. "It follows logically that the education it instituted, which was founded on a study of Greek and Latin, drew a clear line of demarcation between the children thus brought up, who were destined to hold the highest social positions, and the others doomed to inferior tasks or studies. It will therefore be understood that the Renaissance influenced the condition of the workers. It swelled the tide which was carrying society towards class division; it helped to separate still further the tradesman and the manual worker; and, above all, it separated the artist and the craftsman, those twin brothers, who till then had shared the same life and the same ideals. . . . In these days the craftsman remained a working man, lost in the crowd, watching from afar and from his lowly station his successful comrade, who

no longer recognised the poor relation, he had left behind."¹

Accordingly, it is only natural that the first great expression of English political thought which was a definite emanation of the new classicism should yet deal with the concerns of the English people in a typically English way. The *Utopia* of Sir Thomas More, a great scholar as well as a great statesman, is not an essay in political theory in the Aristotelian manner, nor a scientific treatment of the bases of society. It is rather the fruit of Platonism wedded to the earlier English communism of the Church. It is inspired not only by philosophic reflection on the ultimate good of man, but also by a very real acknowledgment of the economic distress that was ravaging the community. Consequently More's *Utopia* is likewise not a purely political treatise, but a jumble of ethics and economics : thus it is passed over by Sir Frederick Pollock as being more of a poem than a serious contribution to political theory. But for those who are prepared to interpret the term "political" in a generous sense, More's *Utopia* must always be a striking storehouse of political wisdom.

More's work is at once a slashing criticism of current events and a picture of social possibilities whose value is for all time. It might have carried as a sub-title the name of Mr. Holmes' notable book on modern education, *What Is and What Might Be*. As a social theorist he looks behind and looks ahead ; back to that destruction of the mediæval economy which Tudorism was so effectually completing, forward to a new regime of ethical and industrial peace and plenty. But, quite apart from the facts of history, he looks behind and before in another sense. For in him are mingled the old ideas of

¹ Renard, *Guilds in the Middle Ages*, pp. 91, 92.

mediaeval ecclesiasticism with the new ideas of Renaissance rationalism. More than that, his theory of society is neither religious nor municipal nor industrial, but quite openly national. For More's Utopia is a state : it covers a large area of territory and it has a central authority ; it is divided up into fifty-four cantons, which have a large measure of self-government, for the centralisation that we know to-day was quite beyond the comprehension of a sixteenth-century statesman. But sovereign power, should disputes arise between the component units, lay with the Central Council sitting at the capital. Wycliffe had talked in terms of monarchy, but More in terms of a democratic federation, differing but slightly in strictly constitutional affairs from such a modern nation-state as Switzerland. Thus while the Tudor monarchs were clearing up the debris of a dissolving society and building with the scattered materials the new model of the nation-state, More, who was at once an old-time Catholic and a servant of the Crown, constructed in his leisure hours a society of dreams, where the old communist ideals are linked with the new national unity. Doubtless Plato's influence largely moulded his outlook ; but, at the same time, it is fair to say that More both looked back to the socialism of John Ball and forward to the statecraft of Elizabeth.

This is not the place to enter into a description or a criticism of More's *Utopia* ; we are concerned only with the sweep of political ideas as England was carried forward to a new economic and political life. All through the Middle Ages the governing idea was that of the lost State of Nature, the *ius naturale* of the Romans, the theological Age before the Fall. More did not reject this concept ; indeed, it was at the basis of his communism. The discoveries of the voyaging

adventurers only served to increase this belief, since they brought back stories of peaceful savages who held all things in common. Whether the blissful State of Nature is a historical truth is not a matter of primary importance. After all, our attitude to the State of Nature depends very much on our own tastes, and judgments of taste are not capable of definite proof or disproof. If a man maintains that savage life is utterly damned because it has no underground railways and no "triumphs of modern surgery" he has a perfect right to his opinion: despising simplicity of relationships and admiring speed, size, and science, he will naturally have little sympathy with what he considers to be ridiculous sentimentality. But another may argue that we only need underground railways and triumphs of modern surgery because we are both industrially and physically diseased in a degree of horror utterly unknown to the savage. If belief in Natural Law leads us into an unquestioning idealisation of savage life it can only do harm; but if it checks the hideous complacency of science and commercialism it can do much good. Discussions on the State of Nature are valuable because they do bring us face to face with the necessity of reviewing all our values and asking seriously what after all this much-vaunted civilisation has done for us.

The fault of ardent believers in Natural Law is that they idealise instinct. But there was no virtue in man's sinlessness before he had attained the knowledge of good and evil. Better a community of men who choose virtue than a community where all are good by habit because sin has never occurred to them as a practical proposition. The State of Nature is not moral; it is non-moral. It brings man to a level with the animals: that level may be a great deal higher than

the level of a modern profiteer. The sparrow-hawk patrolling the hedges and swooping on his prey is non-moral ; he is conforming to the law of his being. But the merchant patrolling the markets and swooping on his particular and equally helpless prey is immoral ; he is outraging the law of his being. He confesses this in so far as he always pretends that his conduct is quite the reverse and that he is really benefiting his victim hugely. But our aim is to create not a non-moral community, virtuous by undisputed habit, and certainly not an immoral community, rejecting virtue wittingly ; our goal is the moral community, where men know the right and the wrong and pursue the right. This obviously is a higher ideal, and opens out far more possibilities for humanity than the notion of a naturally perfect community which never looks upon error because its instinctive virtue is utterly blind.

The danger, then, of the theory of Natural Law is that in its quite justifiable criticism of what we call progress it may go too far and decry the merits of choice. We, with all our attainments and our reflection, could do far better than the savages who live largely by instinct, if only we used our gifts aright. But we have failed miserably in our task and allowed all our talents to be prostituted to money-getting, and the machines, which were to be our servants, have become our masters. Hence we are being carried headlong on the runaway horse of Progress, and it seems most unlikely that our destination is Utopia. It is this failure which Natural Law drives home to our minds, and that is why Natural Law is always the basis of revolutionary political thought. Man is by nature good, and society should be a blessed union of peace ; but somehow man is bad and society has become a miserable farrago of strife and emulation. Why is that ? Because man has ceased to

be true to his own nature and has become the wretched victim of his own institutions. Rousseau, "proclaiming to a tortured world, " Man is born free and everywhere he is in chains," took his stand by the mediæval Schoolmen who subscribed to the doctrines of Natural Law.

With the Reformation we pass into a new world animated, rightly or wrongly, with new ideas and new ideals. The old unity of the Church was destroyed, and efforts were made to set the new unity of the nation in its place. The old gilds had been tiny trusts, but they had striven to be trusts in the true sense of the word—trusts you could really trust in. They had tried, and not always in vain, to make monopoly moral ; but the new adventurers of competitive commerce did not bother their heads about morality. Consequently with this shattering of the old environment philosophy must alter its tone and its tendency. So far political theory had eschewed politics in the modern sense, because such politics did not exist. It has concerned itself, and rightly, with the theology of the natural state and with the morals of the social economy. In the new life, imbued with Hellenism and the spirit of inquiry, it turns to historical and legal speculation. It is still religious, but secularism is creeping in ; it is still ethical, but no longer predominantly so. Sir Thomas More, who died in 1535, stood at the watershed of opinion. His *Utopia* is mainly a valedictory address to the communist morals of the mediæval group-society ; but it is also a salutation to the administrative unity and secular powers of Tudor nationalism.

CHAPTER III

TUDOR NATIONALISM AND THE BEGINNINGS OF CONTRACT

SUCH tremendous forces as the Renaissance and the Reformation could not fail tremendously to affect political theory in England. Though the old mediæval society of manor and of borough and of gild had long passed its prime of life and was moving to inevitable dissolution, its ultimate destruction was not apparent until these two revolutions—the one of the mind, the other of the soul—came in as very potent allies in the cause of economic and social expansion. The Renaissance brought Europe gradually from blind faith to a faith in reason; the Reformation brought the individual from the prison-house of authority and tradition into the light of spiritual freedom. The man, not the Church, was to the Protestant the true and final religious unit; no longer was the sacerdotal go-between essential to communion with God. Of course, the English Reformation was the product to a very great extent of personal interest, political manœuvre, and economic aspirations. The Church that was so well worth robbing was worth reformation, if reformation meant spoils for the King and those around him; the gilds, with their religious funds, were equally worthy of “progressive” attention. But discredit the motives behind the Reformation as we may, the fact remains that the individual was now released from authority

to an extent that he had never known before. The economic monopoly of the gild and the spiritual monopoly of the priest were smashed to pieces, and out of the ruins of mediæval society rose the two governing political concepts of the future—Individualism and Nationalism. By their side were their economic equivalents, Competition and Mercantilism, the two combining to create the irresistible invasion of Capitalism.

Naturally, then, a new theory had to be found to meet an entirely new situation. For us, accustomed to a world that moves and changes with extreme rapidity, it is not easy to realise the effect of the Renaissance and the Reformation on the minds of mediæval men. Those who had been nurtured in an apparently stable and coherent tradition saw the very foundations of their faith destroyed; they saw the lord enclose the common land, the merchant corrupting the gild and the Crown looting it. In 1549 came the last peasant revolt of the old order; communism was still in the air, as is shown by the efforts of Latimer to discredit it. But this is the death-struggle of the mediæval ethical-political creed. Individualism, of mind and soul and purse, had won the battle and finally crushed the group-spirit and association tendencies that had so long prevailed. But it was a case of "The King is dead; long live the King." Authority had been routed; unless anarchy were to prevail, a new authority must be found.

The essence of Tudorism is the creation of that new authority. The old devolution of social power to localities and to voluntary associations was replaced by monarchical centralisation. The Crown is no longer the summit of feudalism, no longer a force that loosely holds together a number of almost independent communities. It becomes the chief bond of union, and with its growing power assumes growing responsibilities.

The control of industry passes from the associated producers to the individual merchant and to the company of Merchant Adventurers, or else to the State. The Elizabethan Statute of Apprentices is not merely "wages-and-hours legislation"; it is a national effort to distribute according to national needs the whole man-power of the community. The same line of thought lay below the Elizabethan Poor Law, which was intended to be no mere palliative, but a general measure of reconstruction aimed at national prosperity. A man had come to be considered as a "national" and as an individual, not as a "municipal" and a "craftsman." Thoroughly and of set purpose the newly risen "State," working through the Crown and the Council, took upon itself the burden of shaping commercial and industrial policy. Tudorism was not formally democratic; the primary impulse had been to avoid chaos and to substitute for the broken rule of custom the strong hand of purposive centralised administration. But the Reformation, which carried in its doctrine of individual freedom of choice the seeds of political democracy, did not create in a single generation the atmosphere of political liberty. It was not until those seeds had fallen on ground made ready by Stuart despotism and Stuart folly that they could fructify and grow.

The underlying philosophy of Tudor nationalism is to be found in the writings of Francis Bacon, whose first political treatise, *Advice to Queen Elizabeth*, was written about 1585. His faith was rooted in a strong monarchy, functioning in many ways. It must not allow money or power to be concentrated in the hands of the few, since "money is like muck, not good except it be spread." Moreover, it must, if only in self-interest, acknowledge its social responsibilities and work for "the opening and well-balancing of trade,

the cherishing of manufactures, the banishing of idleness, the repressing of waste and excess by sumptuary laws, the improvement and husbanding of the soil, the regulating of prices, the moderating of taxes and tributes." Here is

State-reverence, State-knowledge, State-control,

preached without stint or hesitation. The theory of Mercantilism is in large agreement with modern patriarchal Toryism or what remains of it. Both believe that government should be in accordance with the ideas of the governed, but desire that "accordance" to be quite tacit and vague, never finding expression in the concepts of liberalism and genuine self-government. Both are exclusively "national" and distrustful of other States. For though Grotius was working out principles of international control at the time when Bacon was lauding Tudorism to the skies, and though Bacon was a man of wide scholarship and infinite reflection, he remained a jealous militarist and a theoretic man of war. "The opinion of some of the schoolmen is not to be received that war cannot be made but upon a precedent injury or provocation; for there is no question but a just fear of danger, though there be no blow given, is a just cause of a war." Moreover, he applauds a sound national agriculture, not only because it is a good economic investment, but also because it is fruitful of sturdy foot-soldiers as well as of rich crops. He, too, is among the strange company who hold the Condé's fluid theory of war, bloodshed being to him a fine national disinfectant, a cleanser of pernicious boils and blains upon the body politic.

His Utopia, *The New Atlantis*, is very different from More's: it rests upon a basis of scientific discovery and

a resulting material prosperity, not upon an ethical communism.* It is perfectly plain that with the triumph of Tudor Nationalism political theory has passed right away from the mediæval morality and its dreams of bliss restored by man's return to natural law. The idea of equality was easily overwhelmed by the surging vitality of this expansionist epoch; it fitted ill with the despotic Council and ill with the voyaging and adventuring of a young plutocracy. Shakespeare's snob-bishness can hardly have been entirely affected for professional purposes, and his continual contempt for "the base mechanicals" rings true. He champions, as Bacon would have championed, a well-graded society, not a caste-society where it is impossible to pass from one rank to another, but an orderly system wherein only the exceptional men can attain promotion and where the common rabble knows its place and keeps to it. In *Troilus and Cressida* (Act 1, Scene iii.) Ulysses, arguing from the processes of nature, gives expression to the common philosophy of the day.

The heavens themselves, the planets and this centre,
Observe degree, priority, and place,
Insisture, course, proportion, season, form,
Office, and custom, in all line of order:
And therefore is the glorious planet, Sol
In noble eminence, enthron'd and spher'd
Amidst the other.

Here, indeed, is the very form and fashion of the new monarchism. He continues:

O, when degree is shak'd,
Which is the ladder to all high designs,
The enterprise is sick! How could communities,
Degrees in schools, and brotherhoods in cities,
Peaceful commerce from dividable shores,
The primogeniture and due of birth,
Prerogative of age, crowns, sceptres, laurels,
But by degree, stand in authentic place?

Whether Shakespeare be really Bacon is still a point some care to argue. Certainly in their political theory they agree, and in their political theory they are typical of their time. For they have broken completely with the faith and fantasies of religious communism and natural law. They have no backward glances of regretful farewell for the sturdy ethics of John Ball; they stand facing the centuries of English "Statism," commercial prosperity, and sternly benevolent Toryism.

One governing feature of the new regime was the growth of production for profit as well as of production for use, resulting in the evolution of a powerful merchant class, usurping the sovereignty of the now enfeebled guilds and spreading their commercial theory and practice widespread over the community. Consequently new thoughts and new terms sprang up in the minds and upon the tongues of men, a fact which was certain to have reactions upon political theory. The business world began more and more to acknowledge the vast importance and the binding validity of signed deeds and attested agreements. The old happy-go-lucky trading of local fairs and markets, where custom and tradition and the popular morality of "the just price" ruled the transactions, yielded to large undertakings and deeply planned schemes of merchanting which involved complicated bargains, a fair degree of organisation, and the supremacy of contract. There had, of course, been elements of contract in the earlier society; the charter issued to borough and gild was a species of contract and so were the numerous ordinances within the gild, but agrarian feudalism rested far more on the acceptance of status than on scraps of paper. The mediæval economy had been so undeveloped and so strongly traditional that the sudden growth of contractual relations must have impressed

itself very strongly upon the general consciousness. Hence, as society in its economic aspects was rapidly passing from status to contract, from what was given by custom to what was "denominated in the bond," so political society, shaping itself under Tudor Nationalism on purposive and no longer on traditional lines, began to be interpreted in terms of business and to be regarded as the product of a previous "Social Contract."

The Social Contract is an idea so obvious after even an elementary reflection on politics that it was no new creation of Tudor times. The Greek sophists knew it, and when William of Ockham, a mediæval schoolman who died a hundred years before the Renaissance, based civil government and private property on the consent of the governed, he was in reality making out a case for the existence of a social contract. But, apart from Ockham, the mediævalists did not express this philosophy in these terms. Indeed, their philosophy forbade it. For the basic notion of the Social Contract is that man, being miserable in his primitive anarchy, comes to an agreement either with his fellows to make a ruler or with some already existing man of strength and dominion in order to get out of an intolerable situation. But the basic ideas of mediævalism were Natural Law and the doctrine of the Fall, which pictured modern society as the intolerable situation and primitive anarchy as essentially blessed. For this reason mediæval theory looked for the salvation of society not to written bonds and business relations but to a self-imposed morality and a voluntary adoption of equality and fraternity. But all the arguing about Meum and Tuum, all the gentle optimism of the schoolmen, and all the faith in "natural man" were dissipated and destroyed by the economic upheaval and by the appearance of the new plutocracy with their highly

modern creed of "getting rich quick." As usually happens in an age of vigorous experiment and swift expansion, the old order was decried and everything new accepted as a foretaste of heaven. Naturally, then, the political theorist would regard the once-adored simplicity as utter barbarism and an orderly, organised, contractual community as the noblest device of civilisation.

By Thomas Hobbes of Malmesbury this conception was carried to its logical conclusion, and with his position, both practical and philosophical, we shall shortly deal. In the meantime we find the growth of the contractual idea plainly marked in Elizabethan ideology long before the great struggle over the Divine Right of Kings drove every thoughtful person to consider the basis of society and to formulate a philosophy of government either by or against consent. Richard Hooker published in 1594 his *Laws of Ecclesiastical Polity*, a work which was not only a contribution to theological controversy, but which ranged at large over the wide fields of social theory. In the tenth section of the first book he outlines the Social Contract in a quite unmistakable fashion. "Two foundations there are which bear up public societies; the one, a natural inclination, whereby all men desire sociable life and fellowship; the other, an order expressly, or secretly, agreed upon touching the manner of their Union in living together." And later: "To take away all such mutual grievances, injuries, and wrongs there was no way but only by growing unto composition and agreement among themselves, by ordaining some kind of government public, and by yielding themselves subject thereunto; that unto whom they granted authority to rule and govern, by them the peace, tranquillity, and happy estate of the rest might be

procured." . . . " So that in a word all public regiment of what kind soever seemeth evidently to have risen from deliberate advice, consultation, and composition between men." With regard to the Law of Nature and the faith in the noble savage Hooker maintains a compromise. He did not forestall Hobbes, who scoffed at the idea as preposterous; neither could he share the optimism of those who had seen their Paradise by looking backward. "Howbeit, the corruption of our nature being presupposed, we may not deny but that the Law of Nature doth now require of necessity some kind of regiment; so that to bring things into the first course they were in, and utterly to take away all kinds of public government in the world, were apparently to overturn the whole world." Hooker also realised the essential feature of the representative system, although representation was shadowy enough in his day, namely, that we are bound by our representatives and delegates. Here he becomes involved in problems of a most modern flavour. "Laws they are not therefore which public approbation hath not made so. But approbation not only they give who personally declare their assent by voice, sign, or act, but also when others do it in their names by right originally at least derived from them. As in parliaments, councils, and the like assemblies, although we be not personally ourselves present, notwithstanding our assent is by reason of other agents there in our behalf." But here Hooker steps out upon very dangerous ground, afterwards trodden by Hobbes with that resolute rashness and complete contempt of wavering so typical of the man's philosophy and so contrary to his habits of life.

The problem at issue is the question of obedience. The sovereign exists; we did not by our own contract arrange that he should be there; he gives an order

which we feel to be wrong. What are we to do? Are we to disobey and thus make one step, however small, towards that state of anarchy which society was constructed to avoid? Or are we to stifle our own conscience, and by so doing maintain the social solidarity? After all, if the actual sovereign is not of our election, then the contract is not binding on us and we can do as we please. But Hooker, anxious at all costs to avoid anarchy, and influenced no doubt by the social spirit of Tudor times, was determined to err, if he must, on the side of authority. We are bound, he claims, by the original contract unless the same has been revoked by *universal* agreement. Plainly universal agreement would be almost impossible to obtain, and thus the problem of obedience is simplified by the drastic implication that any form of disobedience will nearly always be wrong. "Whereof as any man's deed past is good as long as himself continueth; so the act of a public society of men done five hundred years sithence standeth as theirs who presently are of the same societies, because corporations are immortal; we were then alive in our predecessors, and they in their successors do live still."

Hooker also touches vaguely on the Law of Nations, which Bacon passed by in disdain. He sees the irresistible logic of the argument that if it is good for the individual to avoid anarchy and adopt civil society it cannot be good for nations to live in anarchy and avoid civil composition. "The Lacedæmonians, forbidding all access of strangers into their coasts, are in that respect both by Josephus and Theodoret deservedly blamed, as being enemies to that hospitality which for common humanity's sake all the nations on earth should embrace." But here Hooker was in advance of his nationalist age, and he did not press his examination

of internationalism beyond a few pious hopes. "But what matter the Law of Nations doth contain I omit to search."

We cannot look to Hooker for solutions of the great questions that have vexed political theorists throughout the ages. He was a gentle theologian and a peaceful scholar, lacking the brutal logic with which Hobbes carried the doctrines of Contract and Sovereignty to preposterous conclusions, and lacking, too, the common sense with which the Whigs got round the difficulty of basing constitutional government on a contractual basis. But Hooker was something of a pioneer, and we do not look to pioneers to level and to develop all the rough country they have explored and thrown open to the general community of humdrum cultivators. And in one regard Hooker was far more sensible than Hobbes: he realised that society could never have been purely artificial and contractual. He admitted that man is instinctively social and that contract must have come with the grain and not have been forced up against it by a giant despair. "Two foundations there are . . . a natural inclination, whereby all men desire sociable life and fellowship; the other an order expressly or secretly agreed upon." From the standpoint of psychology and of historical truth Hooker is here far in advance of Hobbes with his grossly mechanical interpretation of the facts of community.

The Social Contract is one of these theories, like the theory of Human Equality, which have had a tremendous influence upon history not because they correspond to a given set of facts, but because they are pregnant with philosophical truth. Considered from the historical standpoint they are palpably ridiculous. Men are not, and never have been, "all alike" or equal in stature or brain or character. Society, as every one now knows,

moves from status to contract, not from contract to status. Community is a natural growth and needs no explanation in terms of cunning device and purposive self-interest. But we must not confuse "ares" with "oughts." The fact that men are not equal is no reason why they should not be given equality of consideration and equality of opportunity. It is just the appalling results of human inequality that make one believe in human equality. In the same way, the fact that society was not founded upon a historical contract signed and sealed by the accepting parties does not prove that the idea of contract, *i.e.* of mutual trust and mutual honesty in performance, is irrelevant. It is just this idea which alone can keep government stable and society secure. The introduction of the Social Contract theory was of the utmost importance because its acceptance involved the belief that government is based on popular consent. The Contract idea in itself is a shadowy form and lacks content; anyone could pick it up and give it what stuffing they chose. One side filled it with Absolutism and the other with Constitutional Government; but the important point is this, that even the Absolutists defended the rights of kings on the grounds of popular consent. They did this by the quite ridiculous assumption that the assent of the fathers is also the assent of the children unto the third and fourth generation. But this folly could easily be shown up, and Constitutional Liberalism had no difficulty in abstracting what was vital from the idea of Social Contract, *i.e.* the notion of consent, and dropping its manifest absurdities, such as the notion of a historical bond and of the determinate policy of primitive man. In this sense, then, the doctrine of Contract, equally with the doctrine of Human Equality, is no idle frippery of thought but one of the foundations

of democracy. At the same time, however, we must admit that its rise under Tudor Nationalism was not due to any inherent democracy in the Tudor ideal but simply to the fact that the Renaissance had set free a flood of ancient authors and called forth a rationalist spirit ; and this spirit, working in an economic environment that was becoming continually more determinate and more contractual, naturally interpreted the facts of social cohesion in terms of bond and self-interest.

CHAPTER IV

ABSOLUTISM AND DIVINE RIGHT

AS we pass on to the seventeenth century social theory is conditioned far less by economic and ethical considerations, far more by political and legal doctrine. For good or ill the old society had broken up and the old morality had vanished with it. Equality and communism were real issues only to a small minority of the Puritan left ; the main body of the Parliamentarians were just the very people who had gained wealth and position by the Tudor policy. Over the ruins of the manor and the monastery and the gild they had stepped into estates and prosperous commerce, and they could have nothing in common with mediæval tradition. It is true that, in a sense, they were the founders of British democracy, but that is a statement which must be very carefully defined. The men who fought the Stuarts were the men who had profited by Tudorism. The battle was not between the King and Tom, Dick, and Harry ; it was between the King and Sir Thomas, Sir Richard, and Sir Henry ; in as far as the untitled and unmoneyed mob took sides they stood largely by the throne. From neither side had the newly risen proletariat anything to gain. When the Parliamentarians talked about the people they meant nothing of the kind ; they meant their own particular class, an *arriviste bourgeoisie*. And when they talked of government by popular consent they had

no intention of extending the franchise or of consulting anybody but themselves. On the other hand, an idea is an idea, and what is true for a narrow definition may be true for a broad one. When the Puritans killed absolutism and made it clear once and for all that the basis of government was the consent of the governed, they established a truth of almost infinite applicability. It is true that the British people as a whole did not seize that truth and use it as a weapon to gain a genuine democracy; but, when the time came, the point was there, ready established by the long and arduous efforts of the Puritans. The victory over absolutism was not immediately exploited; but it did mean that the issue was settled as between Crown and People, so that there was no need to tread the wearisome battle-field again.

As we saw in the last chapter, the problem of the sixteenth century had been the problem of restoring order. The Wars of the Roses had been to the ordinary merchant or the ordinary farmer an unqualified nuisance, and these ordinary men began to realise that law of some sort is the first essential of human welfare. The Tudors gave them law and gave them peace: doubtless, a modern mediævalist, like Mr. G. K. Chesterton, would echo Tacitus' epigram, "They make a desert and they call it peace." But it is not our task to discuss the social fruits of Tudorism. We have to recognise that Tudorism was a form of Cæsarism, and that Cæsarism depends, first and last and all the time, on the existence of a real Cæsar. In his absence, Cæsarism has all the seeds of unbounded corruption. Just in the same way the Tudor ideal contained the seeds of a disastrous despotism. It needed only the vanity and gaucherie of the Stuarts to bring those seeds to a fatal fruition.

The struggle was not fought out on the right to

disobey. No one could have been farther from anarchistic tendencies than the Parliamentarians. They believed in law and order as strongly as Hobbes himself, and they claimed that they were fighting the King's person, not the King's position. In reality there was a contest between rival theories of sovereignty. During the Middle Ages, this question had been at issue between the Papacy and the temporal powers. The Divine Right of Kings had been urged as a counterblast to the Divine Right of Popes. But the Divine Right of Kings was a dangerous phrase and perilously sweet to the ears of James I. Society, he reflected, in refuge from anarchy, demands a sovereign power. Who then could wield it but himself? But there was another competitor for the throne, namely Common Law. And on this point Sir Edward Coke joined issue with James. He regarded both King and Parliament as subject to Common Law, which was the truly sovereign power in the land. But here, of course, he became involved in complexities. For Common Law demands interpretation, and must, in fact, be interpreted by the Judges. The Judges then become the true sovereigns, a decision more palatable to lawyers like Coke than to the ordinary man. "The quarrel between the Crown and the Judges was not only the forerunner of the greater quarrel between King and Parliament: it was inevitable in the nature of things. The Judges, as professors of the Common Law, claimed for it supreme authority, and, had their claim been admitted, would have made themselves the ultimate authority in the State. For no one denied their right to interpret the law. The King, realising vividly that there must be a sovereign, claimed naturally enough the position asserted for the Judges."¹ Thus we enter upon the

¹ J. N. Figgis, *Divine Right of Kings*, p. 231.

long struggle of words and weapons which was to settle the problem of legal sovereignty, as between Law and Prerogative, Parliament or King. Into all its phases a brief history of English political theory cannot possibly proceed, and a summary statement of the main arguments is all that can be attempted.

The supporters of Absolutism put their case from two entirely different points of view: Hobbes, for instance, is philosophically as remote from Filmer as one pole from the other. On the one side is the theological school, crying, "No Bishop, no King," and arguing that secular power is derived straight from God as much as ecclesiastical power. In this case disobedience to the King is disobedience to God, and equally punishable. "As it is atheism and blasphemy to dispute what God can do, so it is presumption and high contempt in a subject to dispute what a king can do, or to say that a king cannot do this or that." To this James I and a chorus of bishops and courtiers echoed an enthusiastic response. Many were found to prove by scattered text and garbled Gospel the sanctity and justice of the royal Prerogative. Again Filmer in his *Patriarcha* (not published till 1681) had the good sense to abandon text-mongering (at which pursuit the Puritans could amply hold their own) and to demonstrate that absolutism was historically justified, being a natural and constant expression of human nature. He rests his argument on a close parallel between the kingdom and the family, and argues from patriarchy to monarchy, from the Roman *ius patris familiæ* to the Divine Right of Kings. As we are children of God, so we are children of the King and owe him an equal obedience. The King's sovereignty passes from father to son, and we remain eternally children, rightfully claiming paternal care and right-

fully paying filial respect. Filmer's notions are founded partly on history and partly on a belief in Natural Law. It is far more true to say that society originates with the family and with natural patriarchy than to postulate an original anarchy and a consequent compact. Filmer would have nothing to do with the Social Contract, because, as he rightly saw, it had in it the roots of popular government. But when he argued that patriarchy was good because it was "natural," not because it was created by divine ordinance, he was on dangerous ground for an absolutist. Suppose other things should be found to be "natural"? Suppose equality and communism and all the institutions of the noble savage should be claimed as "natural"? As Mr. Figgis points out, "the theological conception of politics is giving way before what may be termed the naturalistic. . . . In a sense it may be said that Filmer paved the way not only for Locke, but for Rousseau."

Of course, Filmer's parallel between the primitive patriarchal family and such a state as England under the Stuarts is purely preposterous. The simile breaks down wherever it is applied, and it is a strange commentary on the thought of the time that such arguments should ever have carried the slightest weight. But what is valuable in Filmer is his faith that society is a natural and organic growth, not a mechanical edifice founded on contract. But the fact that society as a whole is natural and may by a metaphor be called organic, does not prove that all forms of society are natural and organic. Here Filmer makes the same error as modern Hegelians. They abstract the State from all the myriad forms of human association and begin to load it with divinity. But, while the habit of human association is perfectly natural and needs

no explanation in terms of self-interest, the growth of various particular States is often extremely artificial. Strategic frontiers, geographical accidents, the vagaries of statesmen, and the exploitation of merchants, have gone to the construction of States, and as a result the modern State, built up on a series of treaties engineered by diplomats, is often entirely a mechanical device and is by no means a natural and organic form of association. Any effort to draw exact comparisons between the individual and the community, or, as Filmer did, between the family and the Nation-State, is bound to be disastrous. Such an effort led Plato to stratify his Republic in a way repugnant alike to taste and to reason: such an effort turned Filmer from the possibility of becoming a pioneer in the historic method in politics, and constrained him to be a mere pamphleteer for the hour, an honest but a most unconvincing encomiast of Stuart despotism.

But there was another method of defence, and this was the method adopted and made immortal by Thomas Hobbes, whose world-famous *Leviathan*, distinguished both by its philosophic depth and stylistic pungency, was published in 1651. Hobbes was not primarily a party to the historical dispute, and he succeeded in making enemies on both sides. He is primarily a philosopher, dealing, as he believed, with eternal verities and writing for all time. Nevertheless, though Hobbes claimed to be a philosopher, not a partisan, he lived in close touch with the Royalists, presented a copy of *Leviathan* to Charles on its publication, and got into trouble, not for his politics, but for his supposed atheism. And, judged in abstraction from its historical environment, the *Leviathan* is certainly a defence of absolutism, though that absolutism may be vested in a body of people as well as in a single person. Hobbes

was not concerned to justify the Divine Right of Kings, but he was adamant in defence of their civil and legal right. As a complete Erastian, demanding entire control of the Church by the State, he was bound to be suspect in royal circles: as a complete Absolutist demanding the entire supersession of Common Law by Statute Law and the cession of full sovereignty to the King, denying passionately the right of private judgment, and turning the law of nature inside out, he was bound to be detested by the Puritans.

To understand Hobbes' philosophy we must first understand his psychology. His friendship with the scientists who were soon to revolutionise European thought, had led him to a deterministic and mechanical view of human nature. He did not believe in freedom of choice, and he did not believe in original virtue or the lost regime of Natural Law. The idea of the Fall that had so strongly coloured mediæval political theory struck him as purely nonsensical. Society does not begin with bliss, but is created out of a most wretched anarchy where all men are at war, and there is no chance of security. Society does not grow naturally: it is created artificially by an act of contract. And its creation is caused by one motive and one motive alone, the desire for security. His Laws of Nature are based purely on self-interest, and they are "to seek peace and to follow it," and "by all means we can to defend ourselves." The old conception of the Laws of Nature as being moral edicts he regards as utterly false: true to his own materialism, he claims that morality cannot have existed without law, and that law creates morality. Law has its origin in the eternal and ubiquitous desire for self-preservation, and morality comes into being when men create law for their own benefit. Hobbes, then, is in the fullest sense of the

much-abused word, utilitarian : morality owes nothing to natural law, for it is mere convenience. But because natural law tells us to look after ourselves and because we can only do so by mutual arrangements for mutual security (*i.e.* by law-made morality), morality comes to be natural.

These mutual arrangements for mutual security take the form of a social contract. Men, tired of brutish anarchy and of the continual fear and danger of violent death, compose a social mechanism on definitely purposive lines. It is no use trusting anybody : it is no use coming together and hoping cheerfully for concord. A sovereign power must be created to see that the peace is kept, and this power must be quite unchallengeable. That is to say, he must be over and above the contract. Thus men, in their despair of security, give up all their rights to a sovereign lord, and demand no condition from him except that he will maintain their security. Provided he fulfills this fundamental postulate, he is not only omnipotent, he can do no wrong. Whatever he ordains must be done, and the contracting parties or their descendants (for Hobbes agrees with Hooker that we are bound in the social contract by our ancestors) have no rights against him. The people, in fact, by their counsel of despair, have destroyed their own separate existence : they are no longer a mob, they are a man. "The multitude so united in one Person is called a Commonwealth, in Latin, *Civitas*. This is the generation of that great Leviathan, or rather (to speak more reverently) of that Mortall God, to which we owe under the Immortall God our peace and defence." Leviathan, then, is the sovereign State, and according to Hobbes "there is no power on earth which may be matched against it."

But suppose the sovereign fails in his trust and cannot

guarantee the security which is the basis of his tenure of power. Hobbes is here driven into confusion, though one must admit that he has carried his logic to a very great distance before he is tripped. He has to admit, for instance, that the sovereign can justly put a subject to death, because "every Subject is Author of every act the Sovereign doth." The murder of Uriah by David was no injury to Uriah, but only to God. This certainly seems to be a dangerous position, if the whole basis of society is security. Men to avoid being killed by their neighbours compose a society in which the ruler can equally well kill them without any pretext given! And then there is the question of revolution. If the revolution shows signs of being successful, then plainly the sovereign is not fulfilling his function. His business is to keep the peace; and if the revolution prevails against him, then he has failed to carry out his contract. The moment the balance of force inclines against him his legal rights vanish. The multitude is only bound to him who can prevail, and should therefore apparently change sides and join the revolution immediately the scale is turned.

This, however, is not a discrepancy of great importance. If we accept Hobbes' assumptions, we find ourselves committed irrevocably to the vast majority of his conclusions and to his defence of absolutism. But his assumptions are indeed fantastic. In the first place, his psychology is grossly at fault. Men's actions are not all determinate; their motives are scarcely ever closely reasoned out. Man acts on instinct and tradition, and is a bond-slave of "that monster, custom."

B. Society springs up naturally because man, as Aristotle had pointed out for all time, is naturally a social being: the fact of human association demands no explanation in terms of purpose or of cunning. Hooker on this

point was in advance of Hobbes. Moreover, the desire for self-preservation is not nearly so strong as Hobbes insists on maintaining: quite certainly it is not the sole motive of all human activity. History records numberless instances of many enduring every risk for what they believed to be right. How could Hobbes have explained the existence of warfare at all? His psychology really collapses with his first postulate, which is self-contradictory. If men thought of nothing but keeping themselves alive, it is difficult to imagine why they were always trying to kill one another. Surely the safest thing could have been to sit still and do nothing. Hobbes cannot be accused of insisting strongly on the historical nature of the contract, but his whole conception of the nature of society is completely mistaken, and no modern thinker would attempt to justify either his psychological or his sociological assumptions.

It may accordingly be asked why Hobbes achieved so great a reputation, and why the *Leviathan*, apart from the pregnancy of its style, has lived on as a classic in political theory. The answer is that he was the first great philosopher of discipline. Those who think about political affairs and about the nature of society fall, both intellectually and temperamentally, into two main schools. One party believes that the most essential elements of society for human welfare are law and order: the other party stresses the ultimate value of individual liberty, seeing that if liberty does not exist in and for individuals, it does not exist at all. The latter are not anarchists, but they believe that in disputed cases it is better that individual liberty should be preserved at the risk of endangering social cohesion; while the former, who are not lovers of despotism, believe that this social cohesion, based on a reverence

for law, is of tremendous value, outweighing the claims of liberty. This is, of course, a question of ultimate values, and neither side can ever prove the other to be logically wrong: difference of opinion on this matter will live as long as social organisation lives, and probably the world is all the better for such dissentience. Now those of the law-and-order school see in Hobbes the first Englishman to give a complete and logical expression to the doctrine of sovereignty, whereby society may be bound in a vice. The Reformation had encouraged freedom of choice, and the old ideas of Natural Law lived on in the decisions of Common Law and in ecclesiastical judgments. Hobbes saw rightly the danger to a community of such division of sovereignty, and the necessity for prescribing one sovereign power. Accordingly he constructed his Leviathan in which there was nothing but unquestioning obedience and unquestionable unity. All associations within the State are regarded by him as "worms in the entrails of Leviathan," worms to be purged drastically away: an equally serious and poisonous disease was the doctrine, essentially Puritan, "That every private man is judge of Good and Evill actions." Hobbes thus becomes the first philosopher of what is now called Prussianism, the encomiast of State-sovereignty, and the bitter foe of individualism. His conception of complete unity between the State and the citizen, a conception that finds expression in the statement that "every subject is author of every act the Sovereign doth," is really good Hegelian doctrine, though it has been reached by considering society as a mechanism of self-seeking units, not as a balanced and harmonious organism. Whether the sovereign be King or Parliament matters, to modern readers, very little: the argument for complete obedience holds, however the governing authority may be con-

stituted. Thus those who are at present concerned to maintain the supremacy of Parliament as against threats of Direct Action or against individualist objections and resistance on conscientious grounds,¹ or against powerful corporations inside the State, can look back to Hobbes as the great champion of unlimited and indivisible sovereignty and as the real father of their faith.

But where Hobbes differs from the Prussian theorist is in his negative attitude to government. He merely asks his ruler to keep the peace: the sovereign need not concern himself with "improving" his subjects, if such a thing were possible; he has no positive function at all. And here our natural sympathies are with Hobbes. Despotism is bad enough, but naked despotism, if despots we must have, is far preferable to despotism swathed in the garments of self-righteous culture and wearing the broad phylactery. By all means let Leviathan provide people with a fair chance

¹ Note that this does not refer to all conscientious objection to military service. The Act of 1916 gave Parliamentary sanction to conscientious objection, but the Tribunals very largely refused to apply the Act. Now what was an objector to do? Leviathan had admitted his right to his views, but Leviathan, in order to find out what objectors were conscientious, had to make use of officials who often believed that none of them were. When the conscientious objector had been refused exemption by the Tribunals his position was peculiar. If he accepted military service, as Leviathan, through the Tribunals, now ordered, he would admit the fact that he had hitherto been a fraud; if he still refused, he might be disobeying the State, whereas he sincerely wished to be law-abiding. Of course, some objectors were out to fight the State to the last as being an artificial capitalist institution denying the true international association of human brotherhood (*i.e.* they put Natural before Positive Law). But others accepted the State, and would have obeyed it if the State had not made such conduct on their part absolutely self-contradictory.

and with reasonable opportunities for self-improvement, but when it attempts to improve people itself and assumes the gown of the schoolmaster along with its natural sword, its efforts are always disastrous in the extreme. Happily, however, the worship of the State, which sprang up in this country as a reaction against the commercial individualism of the Manchester School, is now discredited, and if and when Socialism comes it will not be mounted on the back of a triumphant Leviathan. Modern Socialism has learned to distrust the State, and to insist on a division of sovereignty between the State and the great industrial bodies. Such a distribution of power will naturally shock those who regard Hobbes with veneration and accept as final truth his views on unlimited and indivisible sovereignty. But, if we are to go on centralising powers and duties on the lines of State Socialism, Leviathan's back will be broken by the multitude of straws, and his collapse, to the general disaster, will be inevitable.

As we shall see in the next chapter, it was not difficult for the Whigs to make short work of Hobbes and his social contract. This latter doctrine is so obviously democratic in tendency that the twist given to it by Hobbes' ingenuity was easily straightened out. The critic had only to ask why the surrender of rights should be final and unconditional, and why it was impossible to give away some rights in order to retain the rest. Hobbes, to sum up, had carried sovereignty to ridiculous limits; but he had done political theory a service by pointing out the necessity of sovereignty. Mediæval society had existed with a loose division of power between King, Church, and feudal magnates, and mediæval society had broken into a thousand pieces. In the same way the modern society of nations existed in anarchy, each unit jealously hoarding its own trivial

independence and sovereign rights. And modern society also has been dashed into a thousand pieces. Hobbes did not bother his head with internationalism, but the idea of a Sovereign League of Nations is absolutely inherent in his philosophy. We may laugh at many of his crudities now, but had we been better Hobbesians and taken his theory of sovereignty and his plea for unity to heart, there might have been no European war.

CHAPTER V

DIVINE RIGHT DEFEATED

HOBBS' main task had been the demolition of mediævalism. What greater contrast could there be than that between his unchallenged Leviathan-Sovereign and the loose conglomeration of borough, manor, gild, and Church which had constituted the pre-Tudor State? He had seen, and seen rightly, that Natural Law, taken neat, is the spirit of anarchy; and, since he was of a most orderly disposition and lived in most troubled times, he had not stopped to consider whether there was any philosophic basis for anarchism. So panic-stricken and so ferocious in his panic had he become at the menace of lawlessness, that he had worried the state of nature as a dog might worry a rat. And over its mangled body, without pause or impediment, he had plunged straight for Absolutism. It became then the business of the Parliamentarians who strove with Charles I and, later on, of the Whigs who strove with James II, to demonstrate that such a pause was both possible and necessary. It was the concern of the new Liberalism to rob Natural Law of its dangers and Sovereignty of its excesses; nor was this a difficult task to achieve. The current political theory, when it was not being argued out by text and counter-text, ran along the lines of contract; and contract is, despite the savage use of it by Hobbes, essentially a democratic idea. It did not require any

great ingenuity or originality to inquire why the contract should be an "all-in policy," why men could not have come to terms with their ruler instead of making an absolute and unconditional surrender, and why it should be impossible for them to concede some liberties in order to maintain and to safeguard the rest. It was on this philosophical foundation of the limited contract that English Liberalism was built: it was with this fairly simple dialectical weapon that Divine Right (with its corollary of non-resistance on the part of the subject) was struck down once and for all, and the English Constitution turned, not indeed into a democracy, but into a limited monarchy controlled by an oligarchy of wealth and birth, paying at least a verbal allegiance to democratic formulæ.

At the same time, however, it must be carefully borne in mind that political and social theory was not monopolised by the Constitutional struggle. The Puritan Left, holding but a scant respect for the Parliamentary leaders and their timid approaches to democracy, carried on the mediæval tradition. They did not relegate Natural Law to the realms of theoretical discussion, but brought it forward as a perennial truth by which man might live now and live abundantly: and with Natural Law they supported communism and declared openly for a simple, a Christian, and a social life. While the main body of Dissenters were engaged upon the great political-legal problem of the day, *i.e.* the saving of the Common Law from the tyranny of Royal Prerogative, and consequently expressed their political theory in terms of contract and of law, the extremists were true to the mediæval practice of linking political with economic and ethical theory.

It was an epoch of dissent, and sects of every kind were active. Some sprang up only to wither and decay:

others, like the Quakers, had in their community indestructible elements of life, and, after enduring the terrible persecutions of the Reformation and preserving by their amazing endurance the whole fortress of Nonconformity, they took up a settled and a respected position in the social and religious life of the nation. It is interesting to note that two of the most vigorous extremists of their time, John Lilburne and Gerard Winstanley, had joined the Society of Friends before their death. Lilburne is connected more particularly with the Levellers and the political side of the agitation, Winstanley with the Diggers and the economic aspect of their creed. To a great extent the Levellers and the Diggers overlapped, but undoubtedly some were more concerned with the Parliamentary problem, others with the agrarian.

The Levellers began as a section of agitators in the army and ended as a civil party with a programme not far removed from that of Chartism. If there is any truth in the statement that Liberalism stresses the rights of Parliament as against Autocracy, while Radicalism stresses the rights of the people as against Parliament, the Levellers were the first Radicals. They stood for the Sovereignty of the people, not the Sovereignty of the people's representatives. This Sovereignty was to be guaranteed by adult suffrage, annual Parliaments, and the customary democratic checks, the whole policy being based upon Natural Law, not social contract. But the Levellers were never really a serious menace to Cromwell and Ireton: born before their time, they soon passed into insignificance when their clever and courageous leader died.

The Diggers were so named after their habit of descending upon waste land and quietly preparing it for cultivation. In April 1649 they arrived, some

twenty of them, under the guidance of Everard and Winstanley, and began to sow parsnips, carrots, and beans upon St. George's Hill in Surrey. This act was not only a sincere agricultural effort; it was also the gesture of the doctrinaire. For it symbolised the dropping-out of the Diggers from the corrupt society of the day. Both Levellers and Diggers connected the destruction of the state of nature and of Natural Law with the Norman invasion, which indicated to their thinking the institution of private property and the bondage of Common Law. We are not so much concerned, however, with their views of history as with their contributions to it. And this contribution is remarkable not so much for the number of their supporters (it was never a popular agitation), but for its fervour and its tragic isolation. Now for the last time mediævalism speaks out before England and the English worker fell into the death-like sleep of the eighteenth century. "The Digger Movement, although small in the number of its adherents, was an agrarian revolt on a surprisingly extensive theoretical basis. It was as if all the Peasant Wars of the past had suddenly become articulate. It aimed at making the earth the common treasury of all. The whole substance of mediæval communism reappeared, but in a rationalist and sectarian setting."¹

In his written works, chief of which was *The Law of Freedom*, published in 1652, Winstanley drives home the truth that politics, economics, and ethics are one and the same thing: true that this had been a mediæval commonplace, but in Winstanley's time the fatal segregation of these three, the ruinous trichotomy of social philosophy, was at once the popular and the progressive course. The Levellers had tackled the

¹ Beer, *History of British Socialism*, p. 60.

political problem with an exacting thoroughness, but the Diggers added to their radical democracy the important rider that no amount of political jugglery could be of any use unless society had first undergone a moral revolution and had been built afresh upon Christian ethics and peaceful communism. The same point was emphasised by James Harrington, a man of very different stamp, a travelled courtier, and a profound student of political affairs. Harrington was no agitating communist, but a well-born republican with a taste for social speculation. His *Oceana* is remarkable, not so much for his theory of balancing powers to make the political community stable, but for his conception of economic power as being the basis of political power. For Winstanley the unity of politics and economics was a question of morality: for Harrington it was a question of hard fact. He had seen social institutions at work all over Europe, and he had learned his lesson that the propertyless man can never be really free and never equal with the man of great possessions. Dives and Lazarus may each have votes, but Dives' money-bags will have a very large influence on the mind and on the will of Lazarus. But Harrington is no communist, dreaming of the dear departed days before the Norman came and drove his mailed fist through the framework of Natural Law: he is a realist, and his remedy for political discontents is a redistribution of property, not to destroy ownership, but to make all men owners. He is the champion of equality on utilitarian grounds, since only by the equalisation of property can a lasting commonwealth be constructed. "If one man be sole landlord or overbalance the people, for example, three parts in four, he is Grand Seignior . . . and his empire is absolute monarchy. If the few, or a nobility, or a

nability with the clergy, be landlords or overbalance the people to the like proportion . . . the empire is mixed monarchy. . . . And, if the whole people be landlords, or hold the lands so divided among them that no one man or number of men, within the compass of the few or aristocracy, overbalance them, the empire (without the interposition of force) is a commonwealth." And again, "To begin with riches, in regard that men are hung upon these, not of choice as upon the other, but of necessity and by the teeth: forasmuch as he who wants bread is his servant that will feed him, if a man thus feeds a whole people, they are under his empire." (Both extracts are from the first chapter of *Oceana*.) Harrington is thus one of the Early Fathers of the economic theory of history and of the economic interpretation of political structure. His work is written in a tedious style, but it is of considerable importance to all who interpret political theory widely, and refuse to be cabined and confined in the office of the lawyer.

It must not be for a moment supposed that Winstanley would have owned up to any community of philosophy with Harrington, or that Harrington would have acknowledged Winstanley or Lilburne as his fellows. But they are bound together by one most powerful link. They realised the broad scope of political theory and regarded society both from an organic and an ethical point of view. As far as Royal Prerogative was concerned they had none of them any sympathy with autocracy; but they viewed the legal problem as of trifling importance compared with that of society's general organisation. They stood, however, in a minority: the nation would not be bothered either with dreaming Diggers or scheming Utopians. The Rota Club, founded to discuss Harring-

ton's theories, had a sparkling but a brief career, and Diggers and Levellers alike went down before popular rejoicings at the Restoration of the Merry Monarch. But that Restoration only aggravated, instead of solving, the old problem of Divine Right: so long as a Stuart held the throne, so long would the Common Law be in danger. Absolutism remained till 1688 the question of the day, and history thus brings us, in our quest of theory, back to the debate on contract, to the issue of Sovereignty, and to the various replies to Royalist pretensions.

The first interpretation of the Parliamentary philosophy occurs in the works of John Selden, a lawyer of generous knowledge, much Latinity, and considerable and cultured wit. His *Table Talks* are light and profound by turn, and in the aphoristic atmosphere his political creed flashes out from time to time. "All are involved in a Parliament. There was a time when all men had their voice in choosing knights. About Henry VI's time they found the inconvenience: so one Parliament made a law that only he that had forty shillings per annum should give his voice, they under should be excluded. They made the law who had the voice of all, as well under forty shillings as above; and thus it continues at this day. All consent civilly in a Parliament; women are involved in the men, children in those of perfect age; those that are under forty shillings a year, in those that have forty shillings a year; those of forty shillings in the heights." Here is the epitome of Parliamentary thought, as opposed to Lilburne's radicalism. Sovereignty is lodged with Parliament, not with the people; and Parliament, based on a property franchise, has sovereignty over the king. "Kings are all individual, this or that king." "A king is a thing men have made

for their own sakes, for quietness' sake ; just as in a family one man is appointed to buy the meat." "The text, 'Render unto Cæsar the things that are Cæsar's,' makes as much against kings as for them, for it says plainly that some things are not Cæsar's."

But Selden was merely a skirmisher in the battle of the time : the work of holding the fort day and night fell largely upon John Milton. Milton's prose works are models of inspired rhetoric, and his plea for truth and freedom of speech in the *Areopagitica* is of immortal splendour and, unfortunately, of immortal necessity. In *The Tenure of Kings and Magistrates*, published just after and presumably as a defence of the execution of Charles I, he puts forward the theory of the limited contract which was soon to become the stock-in-trade of Whiggism. "No man, who knows aught, can be so stupid to deny that all men were naturally born free, being the image and resemblance of God Himself." Then "by Adam's transgression falling among themselves to do wrong and violence . . . they agreed by common league to bind each other from mutual injury." "And because no faith in all was found sufficiently binding, they saw it needful to ordain some authority that might restrain by force and punishment what was violated by peace and common right." Hence, "they communicated either to one, whom for the eminence of his wisdom and integrity they chose above the rest, or to more than one whom they thought of equal deserving : the first was called a king ; the others, magistrates ; not to be their lords and masters, but to be their deputies and commissioners." "As the magistrate was set above the people, so the law was set above the magistrate." The cry of anarchy, Milton justly rebuts and flings back at his adversaries. "To say that kings are accountable to none

but God, is the overturning of all law and government." At times Milton seems to commit himself to genuine radicalism. "Then may the people, as oft as they shall judge it for the best, either choose him or reject him, retain him or depose him, though no tyrant, merely by the liberty and right of free-born men to be governed as seems them best. The right of choosing, yea of changing their government, is by the grant of God himself to the people."

But Milton's philosophy, which often found expression in the noblest language, was conflicting and confused. At one time he is crying aloud for popular rights, at another he is denouncing the machinery of democracy and demanding a perpetual Grand Council. A man who is going to take up a middle position in such a controversy as this should be extremely careful as to what he says. He has, above all things, to be precise in his definition of the limited contract, to show just how much concession of the individual's liberty the facts of government demand, and how much liberty may reasonably be retained. But Milton was not at all precise, and his political philosophy suffers accordingly. He did, however, on occasions do great service to his party, and he did execute, if confusedly, the rough outlines of a liberal commonwealth. His personal attachment to Cromwell undoubtedly made his position extremely delicate. Here was a man temperamentally undemocratic and bound by ties of office and of devotion to an autocratic bourgeois-soldier. How could he fairly represent the democratic theory that lay behind the Puritan effort? But in *The Tenure of Kings and Magistrates* he at least proved with ability as well as with eloquence that the foundation of all right government is consent.

Before the dispute was settled philosophically by

Locke—at any rate to the satisfaction of his contemporaries—and practically by the overthrow of the Stuarts and the triumph of the Whigs, Algernon Sidney, an aristocrat who had spent most of his life in exile, had in his *Discourses Concerning Government* made a lengthy reply to Filmer and a reasoned indictment of Divine Right. Sidney was executed for treason, and the publication of his book was delayed; but both his life and his tragic death must have been valuable assets to his cause. He expounds, with great erudition and many references to the Bible and to the history of antiquity, the limited contract. “And we may be sure that what contracts soever have been made between nations and their kings have been framed according to the will of those nations; and, consequently, however so many they are, and whatsoever the sense of any or of all of them may be, they can oblige no man except those, or at most the descendants of those, that made them. Whoever, therefore, would persuade us that one or more nations are, by virtue of those contracts, bound to bear all the insolences of tyrants, is obliged to show that by those contracts they did for ever indefinitely bind themselves to do so, how great soever they might be.”¹ And again, “as these contracts are made voluntarily, without any previous obligation, ’tis evident men make them in consideration of their own good; and they can be of force no longer than he with whom they are made perform his part in procuring it, and that, if he turn the power which was given him for the public good to the public inconvenience and damage, he must necessarily lose the benefit he was to receive by it.”

Sidney was apt to labour his points, and his book would need much condensation to make it attractive

¹ *Discourses Concerning Government*, chap. iii. sec. i.

to modern tastes. He is important as carrying on the tradition of staid Liberalism that had begun with Selden and with Milton. He is no radical, and is far removed from the vigorous pamphleteering of the sects, from the precocious Chartism of the Levellers, and from the simple communism of the Diggers. He cared nothing for equality and much for liberty: had he read his Harrington more carefully or studied life more closely, he would have known that the two are co-efficients, and that no true liberty can live where great inequalities of wealth and power persist. Sidney concentrated on the Constitutional aspects of freedom, and no one could deny his tremendous sincerity. His death upon the scaffold, as well as the logical bastinado which he administered to Filmer, did much to win the Constitutional victory that was shortly to follow his passing, and to shatter once and for all the pretensions of Divine Right.

Locke's vitally important position as the fountain-head of English idealism in metaphysics has led, not so justly, to his enthronement as a king of political theory. But by the time that Locke came into the battle against despotism the day had been decided: he was a Blucher in the philosophical Waterloo. There is little that is original in his outlook: he derived his ideas very largely from "the judicious Hooker," and the conception of the limited contract had already been handled by Milton and by Sidney. But as a writer of political philosophy he was far more capable than his predecessors: he had greater command of his thoughts and a more thorough logic. He gathered all the arguments of Whiggism into one powerful array and put them through their paces with the utmost precision. To continue the military metaphor, Locke did not win many new positions: what he did was most

effectually to consolidate the old. After his *Treatises on Civil Government*, the Absolutist forces could never muster strength or spirit for another counter-attack.

Locke's first task was to destroy any life that might be lingering in the claims of Filmer and of Hobbes. He agreed with Hobbes that there was a natural state with no organisation of society, but he differed on the condition of that primitive life. For Locke the state of nature was a state of liberty, not of licence. Still, however satisfactory the state of nature may have been, it contained three inevitable defects. "First, the want of an established, settled, known law received and allowed by common consent to be the standard of right and wrong and the common measure to decide all controversies between them." Secondly, there is no "known and indifferent judge"; and, thirdly, there is no executive power to back up a just decision. Hence men form societies, and this formation by contract is a guarantee and not a destruction of liberties. "The liberty of man in society is to be under no other legislative power than that established by consent in the commonwealths. . . . Freedom, then, is not what Sir Robert Filmer tells us, a liberty for every one to do what he lists, to live as he pleases, and not to be tied by any laws. But freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it." The society formed has three aspects to correspond to three pressing needs which led to its formation: these aspects being the legislative, the judicial, and the executive, of which the first is most important. "The first and fundamental law of all commonwealths is the establishing of legislative power." And this legislative power must govern by "established, standing laws, promulgated and known to the

and not by extemporary decrees." The controlling influence will be that of the democratic majority. "When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest." Seeing the impossibility of obtaining universal agreement, Locke keeps laying stress on the necessity of majority rule, and in the necessity of its being accepted by dissentient minorities. Thus was erected the edifice of Whiggism that was to dominate English political philosophy for close upon a hundred years.

It should be noticed that Locke retains complete sovereignty in the hands of the people, the legislative "being only a fiduciary power to act for certain ends." Society does not treat with a king at its inception: it treats with itself and then appoints a ruler as its servant. There is no bargain between people and king, but only between people and people: the king is their employee. Where Locke is unsatisfactory, however, is in his failure to show how popular discontent with "the never-ending audacity of elected persons" may find legitimate expression. "He omits to provide any machinery short of revolution for the expression of popular opinion, and, on the whole, seems to regard the popular consent as something essentially tacit and assumed. He regards the State as existing mainly to protect life and property, and is, in all his assertions of popular rights, so cautious as to reduce them almost to nothing."¹ In fact, Locke was a typical Whig.

More interesting, however, than the limitations in Locke's political theory are his excursions into political economy. Once more politics and economics are

¹ G. D. H. Cole, *Introduction to Rousseau's Social Contract*, p. 22.

merged ; but the Whig's reason for blending them is far removed from the mediæval instinct that made one study of society, of wealth, and of morals. "The great and chief end of men's uniting into commonwealths and putting themselves under government is the preservation of their property, to which in the state of nature there are many things wanting." The "glorious Revolution" of 1688 had nothing of Socialism in its being, and its philosopher here gives a just account of the basis of Whiggism. "The labour of a man's body and the work of his hands we may properly say are his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state Nature hath placed it in, it hath by this labour something annexed to it that excludes the common rights of other men." At first it may seem that Locke is defending the common proposition that a man has a right to his own work, and that Labour has a right to the full produce of Labour. But no ; "the grass my horse has bit, the turf my servant has cut, and the ore I have digged in any place where I have a right to them in common with others, become my property without the assignation or the consent of anybody" (*Treatise on Civil Government*, ii. 27, 28). Mr. D. G. Ritchie's comment on this statement is very apt : "My horse and my servant are thus equally with my labour the means by which I acquire property ; so that the capitalist employer of labour would, according to this clause, be fully entitled to the entire product created by his servants, if he can manage to get it."¹

It is thus apparent that the historic justification

¹ *Darwin and Hegel*, p. 179.

of the Whig position carried with it a justification of economic *laissez-faire* and of capitalism. Hideous as were the defects in the English social system, England, after its "glorious" Revolution, was settling down to a century of social self-complacency. A great battle had been fought and won: it had been made clear once and for all that rulers are not responsible to God alone, but to the ruled, and that the sole foundation of tolerable government is toleration. Authority could no longer seek its sanction with the Church or in the Testament: it must find its sanction in popular consent. This victorious peace, which had been fought for by Milton, died for by Sidney, and finally sealed by Locke, established Whig principles in power, and freed a weary nation from the perpetual menace of civil war. The Jacobite rebellions of 1715 and 1745 lacked popular support, and what the average man wanted was to be left alone. To this desire the Whig philosophy admirably conformed. England expanded outwardly and stagnated inwardly. Locke had striven hard and striven successfully for more freedom, but he had never striven for more equality. The essence of Whiggism has always been the belief in individual liberty combined with the denial of social equality. The succeeding centuries were to show the truth of what had been a mediæval commonplace, and of what Harrington had declared to the Rota Club, the impossibility of freedom in a society where great gulfs of class and wealth exist. Even today this conception is rejected by Liberals who have a far wider experience on which to frame their social judgments. It is small wonder then that the Whigs of the seventeenth century, whether it be Halifax, the practical politician and literary aphorist, or Locke, the metaphysician and speculative philosopher, concentrated upon the political and Parliamentary

aspects of society. For seventy or eighty years the contest against Royal Prerogative had raged, and at last a peace of Constitutional security had been gained. Such a contest, by concentrating the energies of the combatants, narrows their outlook: if the Whigs had failed, Radicalism might have reappeared. But with the triumph of Locke there could be no room for another Lilburne or Winstanley.

CHAPTER VI

THE EIGHTEENTH CENTURY. BURKE

THE "glorious" Revolution of 1688 was, as Edmund Burke remarked, not so much a revolution achieved as a revolution prevented. At all events it did make for political peace: Divine Right vanished from the lips of angry men, the tumult and the shouting died, and England settled down to its Augustan age. Under the Hanoverians, Walpole fashioned the outlines of Cabinet Government, and in an orgy of unblushing corruption the Party System flourished abundantly. Naturally political theory lacked the lively vigour with which the partisan fury of the seventeenth century had filled it: it was removed to the study or became the raw material of polished rhyme. Pope in his *Essay on Man* sang the glories of civil society, and Bolingbroke filled up his leisure with dissertations on natural law or the Patriot King. Edmund Burke began his career as a publicist with a highly academic *Vindication of Natural Society*, which was more of a jest than a serious contribution to philosophy. David Hume allowed his brilliant scepticism to play upon politics as well as on metaphysics, and amused himself by tearing up the social contract. In an age of spiritual torpor profound speculation on the nature of society was scarcely to be expected. The theologians, who had made social theory in the Middle Ages, concerned

themselves now with Greek plays, fat livings, and port wine, while the practical politicians were far too busy getting their fingers into the public purse to worry about the ethics of government or the niceties of abstract right.

In 1748, however, there was published at Geneva by Montesquieu, a Frenchman, a work of considerable importance, but valuable not so much for its views as for its method. *The Spirit of Laws* marks a complete reaction from the doctrinaire and a priorist thinking that had prevailed in the seventeenth century. Montesquieu appealed not to imaginative pictures of the savage, whether noble or ignoble, but to the facts of life as an inquirer might find them. He did not dogmatise about society; he studied it, and he aimed at building, out of his observations a scientific account of comparative institutions and a scientific theory of legislation. He took every factor into account and proclaimed that a knowledge of geography was more essential to an understanding of communities than a smattering of metaphysics. It is easy to fall into a weariness and a wrath with the philosophy of the social contract and the absurd haggling about the qualities of the natural man; and from this weariness it is easy to pass over to an excessive admiration for the historical school with their cry of "back to experience." But, even as the doctrinaries, they have their grave limitations. By counting up the "ares" or the "have-beens" we do not reach the "oughts"; in other words, we may study the history and the variety of social institutions until we have become walking encyclopædias, but that does not mean that we have solved our problems. A study of history is an excellent training for the social theorist, but it does not guarantee him a ready reply to his questions. The historical school

confuses the science of political institutions (a hard-and-fast inquiry in which certainty is realisable) with the philosophy of society (in which certainty is no more realisable or demonstrable than in ethics). Both are of value, but both lose their value when confounded. Montesquieu's service to learning consisted of his reminder that there are such things as facts: his dis-service consisted of his suggestion that there ought to be no such things as theories.

This is admirably brought out in the political philosophy of Burke, who has always been praised for "restoring history to its place in politics." Burke gave to the philosophy of conservatism perhaps the fullest and most eloquent expression the world has ever heard. During the contest between George III and the American colonies, Burke had voiced what we may call the liberal view; he had protested sharply against the confusion of legality with convenience, and had claimed that no mountain of legal rights could justify the tyrannous colonial policy. But when the French Revolution broke out in a mingled fury of doctrine and of violence, when one of mankind's greatest experiments in natural right was being elaborated in blood upon the Continent and being justified in the sermons of English Nonconformists and even appraised in the high temples of Whiggism, all Burke's conservatism was roused and his powers of denunciation stung to action. In his *Reflections on the Revolution in France* and in his *Appeal from the New to the Old Whigs*, he not only pleads the cause of the French aristocrats and invokes British hatred of the French incendiaries: he lays down, fitfully and in a fine frenzy, the philosophic foundations of a conservative faith.

Like Montesquieu, he approaches the State through history and not through philosophy. And, approach-

ing it thus, he sees it to be no mere artificial structure, built suddenly to contract, but an organic growth whose roots stretch deep down into the past. It is not here to-day and gone to-morrow. It lives on with a life of its own, though individuals may swiftly come and swiftly go. Hence the individuals who go to make a State cannot be considered fairly in isolation from that State; herein lies the fallacy of the contract theory. Still more fallacious and still more infuriating to Burke is the concept of natural right. For this concept postulates the existence of disparate persons each with a little bundle of inalienable rights attached indissolubly to their necks. That, he argues, is what the revolutionary teaching of Rousseau really brings us to, and that is such nonsense as the merest child could overthrow. The masterpiece of Rousseau's which helped to set a world on fire is to Burke "chaff and rags and paltry blurred shreds of paper about the rights of man." Once allow community to be split up into fragments and all efforts to rebuild it on an individualist foundation must fail. There is no difference for Burke between a doctrine of individual rights and a doctrine of wildest anarchy.

To construct our social theory Burke would have us inspect the scheme of things entire. There we find three permanent entities—God, Nature, and Society—and from this he deduces that Society is a natural growth with divine sanction; any effort to overthrow it or to tamper with it is gross atheism as well as gross folly. One generation does not leave off suddenly and another as suddenly begin, but such breaches are what revolutions attempt to achieve and nations, in so attempting, are bound to achieve disaster. Societies spring up naturally, and it is the first duty of a statesman to respect a natural growth. Hence, if property is

seen to be a constant feature of human societies, attacks on property are unnatural and therefore wrong. Revolution is not condemned on utilitarian grounds, *i.e.* because it will make men miserable in the long run, but on the assumption that it is a blow at divine ordinance, at the golden rule that whatever is, is best, and at the aforesaid Trinity of God, Nature, and Society. Burke is thus looking always behind him, just as Demosthenes in his own stormy days was always looking back to Marathon and exhorting the Athenians to be worthy of their past. In a similar way Burke hardly ever mentions "the glorious future" which is the stock-in-trade of the professional politician, but harps eternally on "the glorious past" which is the stock-in-trade of a conservative, and often of an ignorant, sentimentalist.

Thus Burke is led to his unqualified worship of the British Constitution; here is no mushroom-growth, no made-to-order Utopia from the mad workshop of the doctrinaire, but a truly historic development, wherein the genius of a nation finds its expression. Burke was no democrat; neither was he a commercialist. His ideal was a State governed by a landed aristocracy, a State in which property should be as sacred as the Church and the lords as secure as the bishops. That, after all, was what he saw enthroned in Britain and dethroned in France, and, true to his first principle of accepting all present facts as the will of God, he approved heartily the rule of a corrupt and vicious oligarchy. Truly the man was pathetically obsessed with the will to believe. In his demented fury against France he could tolerate anything English; and thus in his overwhelming eagerness to justify the "natural" British Constitution as against the infidel artificialities of the insurgents he could blind his eyes to all the social

evils of the day, to the villainies of the governing rich as well as to the miseries of the suffering poor.

Society, he claims, "is a partnership in all science ; a partnership in all art ; a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are yet to be born." Burke then went on to identify the State with society. The trouble about the historical school is that their history is often so weak. Burke might have discovered for himself that the mediæval structure of society was utterly remote from the structure of society in his own day, and that the national State which he could describe "as a partnership in all science, all art, and all virtue," was a comparatively modern growth and that it had so far discouraged science, neglected art, and outraged virtue. It surely did not need an erudite learning nor a wide imagination to realise that sciences, arts, and virtues are either the fruits of individual efforts or of voluntary associations of individuals. State-culture and State-morality have few recommendations to our mercy. But Burke had no critical power ; he did not, in fact, desire to criticise. For he seems to have believed that in eighteenth-century Britain man's highest social achievement had been reached, and he was completely deaf to the call of the new idealism in France, in Germany, and in England. "It is true Burke would 'improve' in practical politics, but within very narrow limits ; in religion and morals and political science he does not even believe that any further truth is to be found. We are in possession of truth. It is a question, as with the British Constitution, not of pursuit, but of enjoyment."¹

¹ *English Political Philosophy*, W. Graham, p. 167.

As a conservative pamphleteer Burke's eminence cannot be disputed ; if his outlook on contemporary events was the distorted stare of a man near to madness he had at least the virtues of his vices. His eye in a fine frenzy rolls, and English rhetoric is richer for his onslaught against Rousseau. But is English political theory equally enriched ? The point has been much canvassed and the answers have been coloured by personal proclivities and party bias. Now the value of the historical and comparative treatment of politics cannot be reasonably disputed. The Divine Right controversy had been fought out by text and counter-text, by assumption and counter-assumption, and by much unreal speculation about a contract which was certainly a myth and possibly a misleading myth. What Burke rightly emphasised was the necessity of legislating according to the grain of society. This truth has been borne out by all the revolutions of history. It is not feasible to snatch up a new ideology and to force society into the new philosophy as into some Procrustean bed. The Russian Bolsheviks attempted in their daringly doctrinaire way to force communism upon a peasantry which had reached the idea of peasant proprietorship ; a policy which was adaptable to the towns broke down hopelessly in the country, not merely for economic reasons, but because the idealists were working against the grain of the emancipated peasantry. In the same way revolutionaries who talk of "socialising" all forms of activity down to the smallest and seemingly most private matters make the fatal mistake of ignoring the individual element in human nature. Institutions, after all, are made for man, not man for institutions, and in framing our institutions we must consider "what a piece of work is man." Only a fool, drunk with the

worship of community, can wish to make man like the State; the sane course is to assimilate the State to the individual. Or again, the old-fashioned Socialism which aimed at the creation of one vast, centralised, bureaucratic dominion was plainly irrational because it worked against the grain of a society already fretted with various associations within the State. The new schools of Socialism are more empirical and less doctrinaire. They propose, for instance, to weave into the fabric of the community the industrial associations, such as Trade Unions, that have sprung naturally out of industrial life. While realising that the old Guild philosophy is dead, and that the modern Trade Unions have no real historical connection with Guild-life, they insist that association by function is just as natural as association by territory, and that a healthy society can only be built on professional as well as on regional grouping. And they reach these results not merely by speculation, but by an investigation of the growth and changes of society. The eighteenth century produced a barren rationalism in ethics. Men like Cudworth and Clark had maintained that the laws of right behaviour could be apprehended by reason just as we apprehend the laws of mathematics; they did not bother their heads by attempting to combine these abstract laws with the data of experience. In the same way political theory had suffered from a plethora of abstractions. Burke was perfectly right in rejecting the arbitrary assumptions of those who first made some postulate about humanity (*e.g.* Hobbes' assertion that men are governed always by a passion for security) and then built elaborate castles founded on the sandy foundation of this postulate. It is plainly no use dreaming about an ideal state of nature unless we can make that dream harmonise with the real state of man.

Political theory, like moral theory, must use experience and not sneer at it.

But Burke went too far. Having established the necessity of studying facts, he surrendered himself to the complete dominion of facts; having started out by denouncing the doctrinaire, he went on to denounce all doctrine. Because we are willing to study what is, there is no compulsion to assert that whatever is, is best. Burke, in fact, altogether underrated the value of ideas. He could not see that to demonstrate the state of nature to be historically false, proved nothing vital against Natural Law. The fact that we are not all born free and equal does not destroy the assertion that freedom and equality are valuable, and therefore worthy of promotion. So eager was Burke to see in society a natural and organic growth, that the notion of artificially stimulating that growth was utterly repulsive to him. But society is not a growth in the same sense that a plant is a growth. Wild plants may be left to come to ripeness in their own undecided way, but society develops not only by reason of its inherent vitality, but also by the aid of stimulants from without. While economic forces were working slowly to necessitate the French Revolution, there can be no doubt that the ideas of the philosophers hurried on the conflagration. Burke, infuriated by the French Revolution, therefore argued that the fault was caused by the interference with spontaneous forces. But if the external prompting of ideas could work so powerfully for harm, could it not equally work for good? As Mr. Graham points out, Burke would logically have had to support the persecuting Emperors at the rise of Christianity. In other words, Burke, revering the Church Successful, would have fought with all his eloquence the same Church Insurgent. To such a

paradox does his colossal conservatism inevitably carry him.

As we shall see in the next chapter, a concentration on abstract ideas, a metaphysical juggling with rights and liberties, leads equally to an impasse. Both moral and political philosophy must derive from the stuff of life while they endeavour to illuminate it, for philosophy is the meeting ground of concept and percept. Social theories evolve from social fact and in turn react upon it: history makes ideas and ideas in turn make history. Burke's great contribution to our political thought was his insistence on the value of studying actual institutions; his great limitation was his tendency to turn study into worship. Most destroyers of false gods set up new divinities in their place, and the consistent iconoclast is hard to find. Burke tilted violently at the noble savage and ran amok in the temples of natural law. But no one ever bowed the knee in more humble adoration before a graven image than did Burke in the courts of positive law.¹ And his idol—the wealthy land-owning Whig—was not at all a nice one.

¹ His attitude is summed up in his assertion, "We fear God—we look with awe to kings, with affection to Parliament, with duty to magistrates, with reverence to priests, and with respect to nobility."

CHAPTER VII

THE ENGLISH RESPONSE TO THE FRENCH REVOLUTION. PAINE, GODWIN

BURKE'S *Reflections* were put before the public on November 1, 1790, and within four months Thomas Paine had answered him with his equally famous *Rights of Man*. Burke retorted with his *Appeal from the New to the Old Whigs*; which was not so much a reasoned refutation of Natural Law as a savage cry for "criminal justice," a weak argument for a philosopher. Paine once more took up the challenge, and in 1792 brought out the second part of his volume. For this action, prosecution was threatened by the British Government, but Paine had already retired to the (temporarily) more congenial atmosphere of Republican France.

Thomas Paine was one of the most remarkable men of a remarkable age. He came of Quaker stock, and doubtless to his Quaker upbringing he owed much of his sturdy individualism. Like the conventional Englishman, he ran away to sea, and later on dabbled in commerce; but he was destined for greater things, emigrated to America, fought with apostolic fervour in the American army against England, and rose to high office in the new republic. In 1787 he felt, Quaker-like, "a call" to England, and returned to work for the liberation of his native country while experimenting in mechanical engineering. Thus he became

connected with the left wing of English Radicalism, with the Revolution Society (formed to commemorate the not very drastic affair of 1688), with the Corresponding Society, founded by Thomas Hardy, and with all the miscellaneous "intellectuals," such as Holcroft and Godwin, who loved to discuss the betterment of a sorry world on a basis of Natural Law. Paine's literary style was as vigorous as his methods of thought and action. Few could have stated the case for the French Revolution more trenchantly or with a more genuine and disinterested enthusiasm.

Burke had claimed that by the compact of 1688 the British people had bound their heirs to respect the constitutional monarchy for ever. Such a statement is really the logical outcome of Burke's attitude to society. Burke never tired of insisting on the continual and uninterrupted growth of a social organism whose unity was far more important than the petty interests of individual citizens. Always regarding the nation as a person, he naturally claimed that what the nation had, through its representatives, said in 1688 bound the nation in 1790. The fact that an entirely new set of individuals had replaced the original contracting parties meant nothing to him; what was vital to his conservatism was the maintenance of tradition, the sanctity of the social person. To Paine, Radical, Individualist, and Republican, such a claim seemed monstrous: it was the establishment of yet another tyranny, the dominion of the dead over the living. He replied, "There never did, there never will, and there never can exist a Parliament, or any description of men, or any generation of men, in any country, possessed of the right or of the power of binding posterity to the end of time, or of commanding for ever how the world shall be governed, or who shall govern it; and therefore

all such clauses, acts, or declarations by which the makers of them attempt to do what thêy have neither the right nor the power to do, nor the power to execute, are in themselves null and void. Every age and generation must be as free to act for itself in all cases as the age and generations which preceded it. The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies. Man has no property in man ; neither has any generation a property in the generations which are to follow. . . . It requires but a very small glance of thought to perceive that although laws made in one generation often continue in force through succeeding generations, yet they continue to derive their force from the consent of the living. A law not repealed continues in force, not because it cannot be repealed, but because it is not repealed ; and the non-repealing passes for consent."

This shrewd and vigorous blow at the sentimental traditionalism of Burke is an instance both of Paine's vivid style and of his vigorous thought. He goes on to replace the history-worship of his opponent with his own more doctrinaire philosophy and to expound in forcible English the basic ideas of the French Revolution, before that Revolution had sunk to the moral debauchery of the Terror. In the first place, Paine distinguishes strongly between society and government. Burke had confused the two—a confusion into which all believers in "the social organism" are most liable to fall. If only the English social theorists of last century had studied their Paine more closely than their Hegel, we would have been spared much muddy thinking, perhaps much administrative tyranny. Burke had been trapped by what we may call the Sabbatarian Fallacy : that is to say, in his philosophy man was made for the State, not the State for man. But Paine

stresses just the opposite point. Man is not to him the ferocious yet cowardly creature on whom Hobbes had built his Leviathan, a disparate entity artificially wrought into a social unit. Man is naturally social. Society is a normal growth, but government, *i.e.*, the State, is artificial. It was created for specific purposes, such as the solidification of custom into law and to prevent the nuisance of each man being a judge in his own case. But government was soon usurped by the unscrupulous, and began, in their hands, to assume excessive functions. "If we examine with attention into the composition and constitution of man, the diversity of his wants, and the diversity of talent in different men for reciprocally accommodating the wants of each other, his propensity to society, and consequently to preserve the advantages resulting from it, we shall easily discover that a great part of what is called government is mere imposition." Paine, that is to say, is no bitter individualist, making all forms of human association purposive and mechanistic. He gives a positive blessing to voluntary groupings and natural communications, only a negative blessing to the State. "Society is produced by our wants and government by our wickedness; the former promotes our happiness by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher. Society in every state is a blessing; but government even in its best state is a necessary evil." Who that has experienced the World War of 1914-18, that orgy of "Statism" let loose, but will sympathise with Paine's distinction and appreciate his onslaught on the monarchs and their creatures, who use the common people as mere means to glory in the sanguinary sport of kings?

The State is based on a contract, but not, as Burke characteristically argued, on a contract between the people and their rulers, but on a contract between equals for the creation of executive officials. "The fact, therefore, must be that the individuals themselves, each in his own personal and sovereign right, entered into a compact with each other to produce a government; and this is the only mode in which governments have a right to arise, and the only principle on which they have a right to exist." Here, plainly, freedom is safeguarded against invasion. Any government not so founded is a mere creature of conquest and deserves only to be supplanted by a genuine child of reason, such as the American or French Republics. And then Paine turns to expound The Declaration of the Rights of Man and of Citizens, made by the National Assembly of France. Let us consider in detail the first three statements, since the other fourteen are but amplifications of these:

- I. Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.
- II. The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.
- III. The nation is essentially the source of all sovereignty; nor can any individual, or any body of men, be entitled to any authority which is not expressly derived from it.

Here, then, Paine finally challenges the historical conservatism of Burke. Burke, "looking with awe to kings and with respect to nobility," had accepted human inequality as a fact, and as a fact had worshipped

it. In other words, a predominance of "ares" had driven "oughts" out of his social theory: legality had been enthroned and passed a decree of serfdom on morality. Positive law had put the heaviest chains on that old rebel, the Law of Nature. Burke had "restored history to its place in politics." Paine did not drive out history altogether from his political philosophy, but he made it ancillary to ethics. In as far as he was a champion of Natural Law he looked back to the Middle Ages; but in his repudiation of communism and in his insistence on the individual's right to property, he was infected with the idea of Locke and looked forward to the economic liberalism of the nineteenth century.

Paine is the great English apostle of Natural Right, a theory equally odious to conservative Burke and to radical Bentham. The first of the assertions in the Declaration is scarcely susceptible of argument for and against. It does not say that men are born free and equal, but that they are "free and equal in respect of their rights." This means that they are born for freedom and equality, a moral postulate about the nature of the universe. It is open to anyone to reject this statement on the ground that the universe is non-moral and that might is right; Nietzsche, for instance, a century later, repudiated utterly the ideal of equality as being "slave-morality." Burke opposed it because it isolated the individual from society, in which he had to play the part, great or small, to which it had pleased God and the British aristocracy to call him. But such a fundamental question can never be argued out, any more than the laws of mathematics can be argued out. We are here face to face with a direct judgment, and we must make that judgment as we think fit. If we grant Paine's ethical outlook on society, then the statement

that "civil distinctions can be founded only on public utility" is unimpeachable. In the same way the third clause is a direct translation of Rousseau's doctrine of the General Will, and it would be hard to dispute that the ultimate political sovereign, apart from the actual legal sovereign, in any community is the general will of its members.

It is in his support of the second clause that Paine runs into grave difficulties. "The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression." Liberty is later on defined as "the power of doing whatever does not injure another." This is a vague definition and needs much amplification and qualification. But the assertion that a man has a natural and imprescriptible right to property is easily challenged. Surely the tenure of property, like the maintenance of civil distinctions, can be founded only on public utility. There is a certain crudity about any extensive theorising on natural rights. Has a baby, for instance, an imprescriptible right to property? Has a lunatic such a right, or a criminal? Surely all such points must be debated in terms of convenience. Once we begin to set up actual rights and to call them natural rights, we involve ourselves in endless complication. Those rights in practice are bound to conflict as between individuals, and then the dispute can only be settled by an appeal to the general utility. But that does not mean, as Burke immediately concluded, that all disquisition on natural rights becomes "chaff and rags, and paltry blurred shreds of paper." For this doctrine, which when overstated becomes self-contradictory, does emphasise one tremendous truth in political theory. The fact that a man has not an elaborate

series of natural and imprescriptible rights attached to him at birth is admitted ; but that does not rob him of all "right." He may not by virtue of his humanity have a natural right to this or that, but he certainly has, if we are willing to link ethics and politics at all, one indefeasible right—the right to have rights. What those rights shall actually be, how they shall be enjoyed by the individual, and how they shall be expressed in terms of positive law, must be worked out by statesmen in the terms of common convenience. But no statesman can escape the fact that every one has a natural right to consideration ; the doctrine of rigid equality is not applicable to society, but must be tempered by the doctrine of equality of opportunity. In a state of siege, when food was running short, it would be madness to distribute as much meat to an infant as to an active adult on the ground of natural right : it would be common sense, it would be true justice, to put equity in the place of equality and to give to each according to his need. Such a policy admits a natural right to have civil rights : it does not adventure itself upon a construction of various natural rights which are bound in the long run to conflict. "Every civil right," says Paine, "has for its foundation some natural right pre-existing in the individual." Certainly, but it were best not to set about defining those natural rights. When the supporters of Natural Law limit themselves to the claim that all human beings are, by virtue of their humanity, born for freedom and equality, they make a just, though not perhaps a logically demonstrable, claim. But if they carry "imprescriptibility" to any further length, they find themselves very soon in a logical morass. The doctrine of natural rights is, like all potent weapons, dangerous to those who handle it ; but it is a potent weapon none the less,

and has done fair service for humanity in defeating the actual pretensions of tyrants and usurpers. For what is risky philosophy may often be sound practical politics.

Thomas Paine was, in actual history, one of freedom's noblest servants. He lived his creed, and because of his generosity to opponents was victimised in the Terror. His contribution to life was unstinted; his contribution to English political theory is likewise of consummate importance. He pricked the bubble of Burke's sentimental conservatism; he showed up the limitations of a narrowly "historic" attitude to social philosophy; he demonstrated the disastrous fallacy of identifying society with government. His individualism was as sane as it was sturdy, and his emphasis on the supreme value of toleration and of liberty of conscience was a fine expression of his Quaker training and of his life of valiant service. He was curt and blunt, but rarely bitter. His attacks on religious superstitions and institutions were not attacks on true religion, as he was himself a Deist. If we cannot follow him into all his defence of natural and imprescriptible rights, we must always remember that a working faith in human equality is a greater asset to society and a greater guarantor of the common welfare than a philosophic disregard for the same. As a practical reformer he was far in advance of his time; the break up of the poor law, compulsory education, young age pensions, and a League of Nations are all proposals of his fertile brain. It may be argued that these are queer progeny of individualism, and that the man who cursed the State was also ready to exploit it; but it must be remembered that what Paine was cursing was the Whig State Burke had blessed. When the State had really been unified with Society by a

complete acknowledgment of natural right, when the State had acknowledged its own basic limitations, then it might be used, as a cleansed weapon, by the ardent reformer. What was imperative was the recognition that the people came before the government and should use that government as a servant. Once that fact had been firmly impressed upon the public consciousness, State Action would lose its terrors. Leviathan must be harnessed and made the draught-horse of the individual. Society is a natural growth, and on that growth man erects his own artificial structures; these governments are made for him, not he for them. They are his tools; but, like all machines, they may acquire the mastery. Woe unto man when that occurs! That, in a sentence, is Paine's social theory. Had his posterity paid more heed to him, the world had been a happier place.

It is not surprising that Paine's works should have run through many editions and reprints, while Godwin's *Political Justice* was not republished after his lifetime, despite the fact that in his day his reputation stood immensely high. For Paine, after all, was an English Radical. He had no hesitations in expressing his hatred of kings and priests, his contempt for diplomats and war-mongers. But, while he condemned government as a necessary nuisance, he was prepared to make "government" do a great deal in the way of positive reform. By putting forward, in the second volume of *The Rights of Man*, a constructive political programme, he showed himself to be that most popular thing, a practical man. But William Godwin, novelist, playwright, and journalist, was not the man to make compromises with the State. All government is anathema to him, even though it be purged of monarchy and superstition. Godwin was a philosophic anarchist,

and philosophic anarchy has never endeared itself to the British temperament. Consequently, his chief disciples have been foreigners, and his countrymen have never paid honour to the prophet. Godwin has lived mainly through his son-in-law Shelley, whose mind he trained, whose passion for humanity he stimulated, and whose hatred of oppression he undoubtedly inspired.

There is only one political principle that matters to Godwin, and that is justice. If asked to define justice, he would have done so in terms of public utility. "Morality is that system of conduct which is determined by a consideration of the greatest general good: he is entitled to the highest moral approbation whose conduct is, in the greatest number of instances, or in the most momentous instances, governed by views of benevolence and made subservient to public utility." The origin of government and the debate on social contract are nothing to Godwin but a dangerous irrelevance. "Instead of inquiring what species of government was most conducive to the public welfare, an unprofitable disquisition has been instituted respecting the probable origin of government. . . . Hence, men have been prompted to look back to the folly of their ancestors, rather than forward to the benefits derivable from the improvements of human knowledge." ¹

Godwin, then, looks solely to the future. He is no doctrinaire democrat, because the logic of his rigid individualism breaks right through the constraints of majority rule. "It is ridiculously asserted that the voice of the people is the voice of truth and of God: universal consent cannot convert wrong into right." He even goes so far as to say that it is better for a dissentient minority to be coerced into obedience (for

¹ *Political Justice*, book ii. chap. i.

then they can keep their self-respect and their confidence in their own intelligence) than to merge themselves with the majority on the ground that they are democratically bound by the majority's decision. In the same way Godwin makes short work of natural rights: for these rights, if positively understood, will go butting into Godwin's sacred principle of justice. "The positive rights of man are all of them superseded and rendered null by the superior claims of justice." He thus brings against Paine the same argument that was afterwards used by Bentham, for the gulf between Godwin's "claims of justice" and Bentham's "claims of utility" is not a wide one. No amount of public opinion, no forest growth of natural rights can make the wrong policy the good one or turn the unjust man to justice. This, at first sight, may seem like conservatism, but where Godwin broke right away from Burke was in his insistence on the individual's task of choice. Burke abused democracy because he thought it enslaved superior people: Godwin abused it because he thought it enslaved every one.

This carries us to the fundamental basis of Godwin's theory, namely his psychology. Godwin believed in the perfectibility of man, and he believed in it because he considered human nature to be infinitely malleable. Man is what he is because of his environment: on the other hand, that environment is not immutable. It is not, as Montesquieu had affirmed, climate that settles our fate: it is the nature of our social institutions. Man is moulded by his institutions, but he can in turn react upon and change those institutions. All that is necessary is to prevail upon him to act. The cause of his present inertia is simply his ignorance. Godwin held a severely intellectualist view of human nature. Like Socrates, he believed that the basis of faulty

conduct is an intellectual error: we do wrong, not through the weakness of the flesh, but through the weakness of the brain. There is always a false judgment before an occurrence of bad behaviour. Once accept this simple view of man and the way to reform is plain. Open his mind's eye, tell him the truth, educate, educate, educate—and then, of sheer necessity, he must awake to the appalling misery of his conditions, overthrow the institutions that have fashioned his mind to servility, destroy the despotism of sceptres and superstitions, and stand forth in his natural glory, a free, whole, perfect man. What is essential to political justice is the existence of free, self-determining persons: and all people could be free (and pass from freedom to perfection) had they not been warped in youth by the environment of a corrupt civilisation. Then, when man's eyes have been opened, all need for government and for governmental coercion will vanish. Communism will be of no avail if it has to be enforced, because the need for enforcing it shows that men are not yet fit for it: the truly ideal society will be one of voluntary communism, where each man gives freely to his neighbour according to that neighbour's needs.

The chief feature then of Godwinism is an irrepressible optimism founded on a highly rationalised psychology. Had Godwin looked more closely into the infinite complexity that is man, he would not have passed to so easy a faith in man's immediate perfectibility.

Just as Godwin's wife, Mary Wollstonecraft, pointed out in her *Vindication of the Rights of Women* that the Gospel according to Paine was incomplete democracy, in as far as it left out rather more than half the human race, so Godwin himself avoided some errors

into which Paine was led. His criticism of natural rights was entirely justified, especially in the matter of property. It would be absurd, he argued, to grant every one a right to property because those rights would inevitably conflict: what we have to do is to examine our own political and social experience and to devise in the light of that experience the method most conformable to reason and justice. Abstract rights lead man only to a morass of muddle and discontent.

Even more important is Godwin's emphasis on the importance of social institutions in moulding human nature. "Nature makes no dunces." We do that for her by segregating the classes, condemning some to good conditions, others to bad, and by giving only a narrow education to a minority, to the majority no education at all. All our vices, he argued, can be traced to the pressure of external factors: the atmosphere of tyranny that surrounds kings and priests makes of man the timid, conservative, cringing thing he now is. A slave-morality is the natural outcome of a servile state. Where Godwin failed was in his inability to carry his analogies of environment into the economic sphere. Here he shares Paine's error. For Paine had believed that political liberty was enough in itself, and that the American Constitution was the height of political wisdom: he ever dreamed that financial power would be able to dominate politics and put the rights of man in its pocket. Let those who still believe that political power alone is powerful enough to guarantee human freedom, go and experience in the modern United States what capitalism has done with the imprescriptible freedom of speech and thought. If Godwin, living just when the whole economic life of England was being subjected to revolutionary changes, had carried his analysis of environment further and

shown how inequality of wealth makes real political freedom impossible, if he had traced the growth of plutocracy and the final extinction of gild life and peasants' commons, he would have seen how immensely difficult it would be ever to rescue the submerged population from their new slavery. This would have reacted unfavourably on his optimism, but it would have made Political Justice, despite many queer crudities, one of the most important treatises on social theory ever written. As it is, it remains something of a curiosity, a piece of detached academic writing, a pompous yet powerful essay in philosophic anarchism. Godwin was the comet of a season: when the atmosphere of revolution had cleared away he was soon forgotten, and the reformers passed eagerly over from the dreams of philosophic anarchism to the intensely practical efforts of Bentham and the philosophic Radicals.

Godwin, accordingly, contributed little to his successors. Had they paid more attention both to him and to Paine they would have been well advised. For in both of these thinkers grew a sane, yet hardy individualism: in both of them we find an acute analysis of society, which distinguishes between the mere fact of association, a perfectly natural process, and the erection of dynasties and governments, often a highly artificial process. Against Burke's sophistry, that if you break a dynasty you break society, they could marshal a good array of arguments and their victory was a just one. Both reached their conclusions, different as those conclusions were, by hard reasoning, and both had a hearty and proper contempt for mystical sentimentality about the social organism. And both took their political theory with a fine sense of proportion that was to vanish only too often in the nineteenth century: they treated all questions of legality as

subsidiary to morality ; and, while admitting the history of social institutions to be interesting and instructive, they never allowed history to dominate them and to bind man for ever in the chains of his past weakness. In a word, they were both good servants of humanity, and in their various ways translated for an England, sunk in a corrupt conservatism and debauched by the most brutal materialism, the ideals that lay behind the French Revolution. Against the ponderous tributes to positive law that load the works of Burke and of Eldon, Paine and Godwin proclaimed the Law of Nature, and called men to a passionate faith in themselves. If the faith was vain, if men did not answer the challenge, it was to their very bitter cost.

CHAPTER VIII

BENTHAM AND UTILITY

THE transition of France from revolutionary idealism to an aggressive imperialism naturally destroyed English sympathy with Natural Law and the Rights of Man. By the time of Trafalgar the teaching of Paine and Godwin was thoroughly discredited, and a country involved in a desperate war is never in any mood to play with radical, much less with Utopian theories. But throughout the years of war the face of England was rapidly changing: the population continued to grow apace, and towns to spring out of villages. The Industrial Revolution, which took the place of the social revolution in this country, created a new manufacturing class who were not prepared to accept the Toryism of Burke and to look with respect and adoration to the landed nobility. These men were no doctrinaires, and they regarded with horror the anarchism of Godwin and Shelley, if indeed they ever heard of it. But their social and economic status rendered them intolerant of the old regime, urged them to a demand for freedom of trade and contract, infuriated them with the clumsy cruelties and procrastinations of the positive law which Blackstone had lauded to the skies, and made of them the most fruitful nursery for planting a new Liberalism. The Manchester School, which owed its origin to such men as Romilly and Bentham, and found its richest develop-

ment in the creeds of Bright, Cobden, and J. S. Mill three generations later, was the natural product of the new manufacturing class. Its economic tenets were the expression of its economic necessities: the old fetters, which encumbered every form of human activity, had to be broken in order to liberate the tremendous forces that were surging up within the community. And the political passion for liberty was the obvious reflex of the commercial doctrine of *laissez-faire*. Men did not stop sufficiently to consider what would be the ultimate effect of setting free these powerful forces: weary of the old stagnation, they believed that any flowing current would carry them to happiness.

Jeremy Bentham was the intellectual fountain whence the waters flowed. He was a man of knowledge, versatility, and energy all equally overwhelming; he is not to be judged as a philosopher alone, but as an intensely practical reformer. For, although the pure gospel of utility has its own assumptions and may justly be accused of being doctrinaire, the Utilitarians never considered their work completed when they had published their volumes. They were all of them active men, taking their part in public life and shouldering the tiresome burdens of practical, even of petty, reform. In particular, the barbarous legal and penal systems were much improved by the activities of Bentham, and the Reform Bill of 1832 was substantially aided to victory by the ceaseless efforts of the Benthamite school. The reaction of the French Revolution upon English ideas was cut short by the emergence of Napoleon; as a result, the democratic movement on this side of the Channel ceased to see visions and to dream dreams, and was aroused to commonplace actualities at the instance of practical men. Social Contract and Natural Law vanish from the social theory

of the day and their place is taken by the impressive and solid figure of the Greatest Good of the Greatest Number.

Benthamism has all the virtues and the vices of simplicity. Its author began his career as political theorist by publishing in 1776 his *Fragment on Government*, which demolished the almost sentimental optimism of Blackstone and those who saw only wisdom in the British Constitution and positive law. In 1789 came the *Introduction to the Principles of Morals and Legislation*, which contains all the essentials of Bentham's social theory. Nature has "placed mankind," he writes, "under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we say, in all we think."

Hence springs the principle of utility. It is foolish to speculate on the end of life, when our own actions show us every minute of the day what that end is: it is happiness, because happiness is what we are always seeking. Accordingly those actions are good which produce happiness, and all conduct can thus be subjected to one simple, unchallengeable criterion, that of utility. Godwin had made Political Justice the ultimate goal. But Justice is a vague word, and Bentham, who had assured himself that happiness was not a vague word, proceeded to demonstrate the futility of making "ends" out of abstract ideas. "What happiness is every man knows; because what pleasure is, every man knows, and what pain is, every man knows. But what justice is—this is what on every occasion is the subject-matter of dispute." As Sir Leslie Stephen

points out,¹ "Omit all reference to Happiness, and Justice becomes a meaningless word prescribing equality, but not telling us equality of what. Happiness, on the other hand, has a substantial and an independent meaning from which the meaning of justice can be deduced. It has, therefore, a logical priority; and to attempt to ignore this is the way to all the labyrinths of hopeless confusion by which legislation has been made a chaos." In the same way the simple criterion of Utility is sufficient to invalidate and to render futile all the interminable prosing about the social contract. What on earth does it matter, argues Bentham, whether our ancestors solemnly signed a bond or whether they didn't. Anyhow, their signatures do not bind our activities. What does bind us is the necessity of creating happiness. Our obedience to the law of the land is not conditioned by a mythical document or a supposed oath sworn to by a host of savages; it is conditioned solely by the sufficiency of that law to guarantee the greatest happiness of the greatest number. When the law fails to do that, it is time for us to reform it or to substitute a new one altogether. Thus all the reverence for tradition and all the worship of the mystical social organism which had been so richly developed in the philosophy of Burke, are swept into the waste-paper basket along with Contract, Divine Right, and Prerogative. In this sense Benthamism is essentially a revolutionary philosophy; it smashes all the old idols and makes man his own master, and man's happiness—yours, mine, everybody's—the end of all behaviour. But it must not be supposed that Bentham had any sympathy with the a priori Radicalism of Thomas Paine. In practical politics Paine and Bentham agreed on the desirability of many liberal

¹ *English Utilitarians*, vol. i. p. 238.

measures ; but in theory they were poles asunder. For the assertion of Natural Rights is anathema to Bentham, and he thunders as fiercely against Natural Law as Burke had done in his bitterest anti-revolutionary temper. For to admit these natural and imprescriptible rights, such as the right to property, is to deny the governing principle of Utility. Admit abstract rights to property, rights to this and rights to that, and society is rapidly reduced to chaos. The only possible way to discover how private property should be distributed or whether it should be forbidden is to work out your economic arrangements in terms of human happiness, unprejudiced by any doctrinaire assumptions about the ordinances of Nature. Bentham agreed with Paine on the desirability of allowing private property and of guaranteeing its security : he agreed with him on the value of human liberty and on the blessings of equality, but his agreement was based simply on a consideration of results. If equality made for happiness, then equality was blessed : if private property was justified by Utility, there was no more to be said. But to postulate absolute and imprescriptible rights was to admit a principle that might prove highly dangerous. Both Bentham and Paine were honest and industrious reformers, and both left the world far richer for their lives : yet two men can scarcely ever have moved towards the same destination by such very different roads.

But definition is the essence of philosophy, and we must stop to inquire what Bentham meant by "happiness." It is worse than useless to set up a goal of all activity which we cannot ourselves recognise. Bentham made no mystery about the matter. He interpreted happiness by the cruder word pleasure, and refused to discriminate in quality between various

kinds of pleasure. Pleasures could be distinguished, and so preferred and sought out by several tests: they differed in intensity, duration, certainty, and proximity. But they did not, said Bentham without hesitation, differ in quality. That is to say, he would not allow that one pleasure was "better" than another, for that would introduce a new moral criterion. Pleasures could and must be summed in quantity or bulk. "All other things being equal, pushpin is as good as poetry." By this he meant that so long as men were really happy the source of their pleasure did not matter, provided that they were not interfering with the pleasures of others, and thus undermining the greatest good of the greatest number. This is plainly a hard position to maintain, and later Utilitarians, notably John Stuart Mill, did not endeavour to hold it. To Bentham's apophthegm about pushpin and poetry, Mill replied that it was better to be Socrates dissatisfied than a pig satisfied. Bentham's judgment is the more strictly logical, since Mill's does introduce the complication of a new test of value apart from pleasure; but Mill's verdict is certainly more consonant with average human experience. At the same time Bentham, even in his error, was emphasising an important social truth, namely, that there can be no graver menace to human freedom than the interfering activity of well-intentioned people whose one object is to make others better and to show them the nature of "real pleasure." The Benthamite doctrine, narrow and psychologically false though it be, has an immense value, because it denies the infallibility of the superior person who endeavours to foist his own morality or his own type of happiness upon others whom he believes to be the pitiful dupes of ignorance. Bentham, with all his faults, did really believe in freedom, not in "discreetly regulated free-

dom," as a modern Fabian once charmingly described it.

But we cannot avoid the conclusion that his psychology was out of joint. Without a moment's hesitation he severed the pleasure from the action which accompanies it : thus he is perpetually dealing in an abstraction which is really non-existent when taken in isolation. Having made this abstraction, he continues to chop and carve it with the surgeon's knife, analysing it into all manner of simple and complex pleasures. But the abstraction should never have been made. Pleasure cannot be dissociated from the natural functioning of man. A man has the natural instinct to live, to love, to eat, to drink, to think, to make things, and to rest. Pleasure comes to him when he can fulfil these instincts or desires without let or hindrance : it is the inseparable companion of unimpeded action, while pain is the comrade of repression and denial. As Aristotle had so wisely said, you cannot separate pleasure from action any more than you can skim the bloom from the face of youth. To quote Sir Leslie Stephen again,¹ "The pleasures of action are deliberately omitted, for Bentham pointedly gives the 'pains' of labour as a class without corresponding pleasure ; and this, though indicative, I think, of a very serious error, is characteristic rather of his method of analysis than of his real estimate of pleasure. Nobody could have found more pleasure than Bentham in intellectual labour, but he separated the pleasure from the labour. He therefore thought labour as such a pure evil, and classified the pleasure as a pleasure of 'curiosity.'" Anyone whom the industrial system has ever permitted to do work in which he is interested, which is not tainted with commercialism, and of which he is an independent and responsible master,

¹ *English Utilitarians*, vol. i. p. 253.

will realise how false is Bentham's distinction between the work and the happiness gained thereby. The two are as closely linked as are bodily fitness and the joy of life. There is very little good to be gained by trying to justify the Benthamite psychology; but there is still less good to be gained by taking no further notice of Bentham because he blundered in his analysis of pleasure.

The vital fact is that we can give to the term Utility what content we please: we can make our own analysis of happiness, and we can make it as different as we please from Bentham's. We can, and should, broaden and expand it. We can pass right on to a Greek conception of well-being, a balanced activity of body and mind, a temperate satisfaction of all instinct and desire, freed at once from the repressions of asceticism and the tyrannies of passion. We can interpret "pleasure" or "happiness" in a hundred different ways, all of them inconsistent with the Benthamite psychology, and the value of Benthamism remains. For what is poor psychology may be excellent politics.

Utilitarianism has got a bad name, but it has got that bad name most unjustly. It is now used to denote the money-grubbing temper, the contempt for all things of the spirit, and the concentration of all energy on serving our own material purpose. But Utilitarianism only means the gospel of Utility, and if we give to Utility a broad and generous content, if we recognise that a wild, uncultivated moorland is just as "useful" to humanity as a forty-acre field with wire fences and motor-plough complete, then Utilitarianism becomes a doctrine and a policy which needs fear comparison with none. For the basic idea of Utilitarianism is simply this, that all actions must be judged by their results, *i.e.* by their fruitfulness in pleasure. And that pleasure or happiness must be no shadowy attribute of some super-person

called a social organism, but must find actual expression in the lives and in the experience of definite individuals. Burke would have talked about the happiness of England as though the abstraction called England could possibly be happy apart from the consciousness of the separate persons who make up the English people. Benthamism, shorn of its crudities, is simply humanism. Bentham did not talk about the happiness of England : he worked for the happiness of the English people. The creed of humanism demands that we apply to all fine-sounding phrases and theories the criterion of experienced human welfare. Humanism would challenge the orator who descants on the glories of Empire to prove, if he could, that the glories of Empire did really mean something to the man in the next street. When a diplomat talked loftily of national "aspirations," the humanist would inquire whether 90 per cent of the nation had ever heard of those aspirations, understood them in detail, or would ever be allowed to understand them. He would insist, as Bentham insisted, on cutting the cackle. Bentham applied this humanist and utilitarian method to English law which had been so praised by the Tories as a slow, natural growth in accordance with divine providence. Bentham showed that it was a shameless tyranny, which worked only for the misery of the weak and poor, an elaborate mechanism for helping the educated and the powerful to keep down the ignorant and oppressed. All institutions, every form of government and administration, must be judged by one test and one test alone, the greatest happiness of the greatest number. Useless to erect sacred social organisms and to take shelter beneath elegant phraseology : what matters is not the dignity of Law's spontaneous growth, but that an innocent man has been denied defence and a guilty lordling has gone free. Bentham was always

begging his fellow-men to get below words to the things they represent, and to interpret all mighty-mouthed phrases in terms of pleasures and pains that must be experienced by living people. In this sense he was one of the greatest realists the world has ever known. When we consider the enormous services which he rendered to the cause of reform and the vitalising effect of the Utilitarian or Humanist method upon political theory which had too often been a wordy warfare wheeling tediously over a battleground of abstractions, we may well forgive his limited psychology and long for a return of his indomitable spirit.

The fair promises of the *laissez-faire* economists were not realised: the simple "liberation" of trade and of industrial forces did not bring about the greatest good of the greatest number. In our reaction against unlimited competition we have developed, certainly under German influence, a philosophy of the State which makes imperative the revival of Benthamism—a chastened, broadened Benthamism certainly, but still Benthamism. For we have fallen back into the old, bad ways of Burke and have put the institution before the individual, the phrase before the thing. We have gone back to our kneeling position and offered up incense to a deified Leviathan. "Thus, by the neat economy of compounding the two halves of the sentence, has the problem which intrigued the Pharisees been solved to the satisfaction of both parties—'Render unto the Cæsar-God the things that are the Cæsar-Gods, and unto the God-Cæsar the things that are the God-Cæsar's.'"¹ Previous allusion has been made to the Sabbatarian fallacy, to the conception that man was made for the good of Institutions, the Sabbath, the Law, the Constitution, the State. Bentham never wearied of demonstrating the

¹ H. J. Massingham, *People and Things*, p. 48.

cruel futility of such a view, and his strong voice for humanism is as much needed to-day as ever before. When we can hardly glance at a newspaper without finding some allusion to the "paramount claims of the State," or "national interests," or "the welfare of the Empire before which all other considerations pale," it is time to use the rigid Benthamite criterion and to ask and ask again what all these fine things mean when reduced to considerations of common experience. We have got to distinguish between society, a natural growth, and the various institutions which have been created on top of the instinct towards community. We must analyse, not accept, if we are to be saved from the tyranny of servants. "What are the paramount claims of the State" but a vague pretension on the part of those who have gained, by whatsoever means, administrative power? The State is you, and its machinery should be the implement of your happiness; it is simply an Institution, like a hundred other Institutions, and there is nothing holy or sacred about it. Its claim to infallibility, and that is what the neo-Hegelian doctrine of the General Will implies, is the rankest insolence. Keep the State, keep all institutions to their function, and you have servants as admirable as they are necessary; but once recede to what is commonly known as Prussianism, once subject yourself to the Sabbatarian Fallacy that man is made for the State, and you are at the mercy of every pushing jack-in-office, the bond-slave of a despotism more heartless and more powerful than the tyranny of Moloch. Only by the doctrine of Utility, ruthlessly applied, can man be safeguarded from the usurpation of Institutions. That is Bentham's grand contribution to English political theory: there could be none more valuable.

Another important point made by Bentham was the utility of the doctrine of equality. He did not base

equality on Natural Law: for Rousseau's claims and Paine's affirmations that men are born "free and equal," or "for freedom and equality," he had nothing but contemptuous laughter. He went back to his sovereign master, pleasure. Men were born to be happy: that is the plain dictate of experience. There is no need for a priori assumptions. But it is very soon seen that freedom is essential to happiness: in that sense, and in that sense alone, were men born for freedom. But there is nothing sacrosanct in freedom: man's liberty must be limited and conditioned by the ultimate test of general welfare. Bentham was perfectly ready to be the supreme bureaucrat if it could be demonstrated that "Statism" created happiness; but he was convinced that individual initiative and freedom were the essentials of happiness, and that State interference must be jealously watched. In the same way he asserted the necessity of treating men as equals—"Each to count as one, and no one for more than one." Once again he rejected the claim to equality on the grounds of a "Natural Right," and showed that equality was a political "good," because it was the only practical way of dealing with large numbers of people. When a person in authority is dealing with a handful of subjects, as, for instance, a schoolmaster who has control of a small class of boys, he can fairly draw distinctions. The master in awarding rewards and penalties can bear in mind that A has done his best, though naturally slow; that B has done poorly considering his gifts and aptitudes; and that C has worked creditably in view of the appalling conditions under which he has to do his home work.

The schoolmaster can so distinguish in his capacity as ruler, because he has all the available facts in his mind; that is to say, Utility in such a case prescribes the

rejection of a precise and mathematical equality. It prescribes instead equity or equality of consideration. The master may, under special circumstances, award the prize to C, whose work is not actually the best. But when boys are being handled on a far larger scale, the personal factors must inevitably be omitted. Recourse is had to the "examination," where each paper is treated simply on its own merits, and the examination, by exalting B who is quick and free from nerves over A who really understands the subject far more thoroughly but is slow and liable to panic at the testing hour, may be grossly unfair. But it is the only possible method, because personal considerations cannot be introduced where thousands are being brought to judgment. In the same way the administrator, faced with the Benthamite task of creating the greatest happiness possible, cannot stop to discriminate between A, B, and C. He must give them all the same treatment, not because that is fair, but because any effort to make distinctions would in such a case be far more unfair. Just as Bentham had come to the same conclusion as Paine on the question of securing private property, so he agreed with him about the merits of political equality. But, once again, they reached a practical agreement by widely different theoretical roads.

The Benthamite criterion of Utility also served to simplify the problem of Sovereignty. The legislature and the executive existed, he said, not by right of any contract or divine right, but simply to create or to maintain the general happiness. This is the standpoint of Hobbes; but whereas Hobbes maintained that resistance to authority would always create more misery than welfare by restoring the dreaded state of anarchy from which men had emerged, Bentham saw clearly that this was a mere sophistry concocted for the

benefit of despotism. Bentham did not underestimate the dangers of chaos and the menace of anarchy, but he realised that the evils of submission might far outweigh the good to be gained by preserving unity, where the government had really failed to carry out its trust. While he distrusted an excess of State action, he was perfectly ready to grant the State full powers.

English public life was full of abuses ; old customs and old corruptions, old restrictions and old despotisms barred the road to freedom for which the new Liberals were seeking. By all means let the State act to remove disabilities and to open gates : in so doing the governors would be forwarding the welfare of the subjects. But if the authorities failed in this purpose they could claim no rights of sanctity, because they were clinging to the altar where, Burke had bowed in adoration. They must be swept aside and, if necessary, disobedience could be justified. The claims of legality could not stand for a moment against the claims of morality ; and the claims of morality were summed up in the happiness of the people.

We come back once more to the two sovereign masters, pain and pleasure : "it is for them alone to point out what we ought to do, as well as to determine what we shall do." Bentham, neglected now and even jeered at for the crudity of his ethics and his psychology, had thus thrown valuable light on the vexed problem of Sovereignty and Political Obligation. Distrusting idealism, he was a great humanist ; and though he scoffed bitterly at Natural Law, from whence the greatest democrats have drawn their inspiration, he was a diligent servant of the people and did far greater service to humanity than many of its visionaries, because he never in the maze of words lost sight of the human beings.

CHAPTER IX

OWEN AND CHARTISM

SOICIAL contract, as we have seen, proved to be a theory of great elasticity. Everything depended on the nature and terms of the contract, and thus Absolutists and Whigs, by giving to that bond the content they preferred, were able to justify their royalism or their liberalism by one and the same phrase. Exactly the same applies to Bentham's principle of Utility, or, as it is sometimes ponderously called, the felicific formula. Bentham was not the originator of that formula, but he was its most thoroughgoing exponent and its indefatigable interpreter. But interpretation is often a matter of taste, and, once the formula had been established as a maxim in English social theory, it was open to other men of different outlook to apply it to their own uses. Hence it came about that the battle-cry of the extreme individualists and of the rapidly growing commercial classes was also on the lips of the reformers and the revolutionaries, who demanded, not a general process of *laissez-faire*, but a drastic social control. While the economists like Ricardo followed Bentham in holding the inviolability of private property to be the essential basis of the greatest good of the greatest number, Socialists, like Robert Owen, worked from Utilitarian principles to an exactly opposite conclusion.

Robert Owen began his life as a successful man of

business, and his capacities built up a successful cotton mill at New Lanark. But he was as sensitive and reflective as he was shrewd and energetic: he was appalled by the horrors of the industrial system, and realised that the optimism that was so prevalent in this age of rapid commercial expansion was utterly unfounded. Apply the Benthamite standard, he demanded, and you find under the new economy the immense prosperity of the few and the infinite ignorance, poverty, and degradation of the many. Could this be the greatest good of the greatest number? Obviously not. Owen, therefore, set himself not only to investigate practical factory reforms, but also to consider all the implications of society and to forge out a philosophy of his own. His outlook was strongly "rationalist": that is to say, he believed, as Godwin had believed, that the cause of human misery and wickedness was an intellectual error. Men only go astray because they do not know the right path. Show them the path and they will immediately follow it. Like the Shelley circle, Owen placed his faith in the immediate perfectibility of man: at present eyes were blinded by innumerable obstacles, but remove those obstacles and what might not be achieved? Accordingly Owen began as a social reformer and ardent educationalist: his first quest was the nationalisation of knowledge. From that achievement he believed that Utopia might arise.

Disappointment awaited him, and he was forced to a further analysis of Society. He now realised that education and factory legislation alone would not suffice: there must be community of interest. And this is just what the new capitalism seemed to forbid. The nation was being severed more completely than ever before into two hostile armies, the haves and the

have-nots. Thus Owen passed from his belief in the nationalisation of knowledge to a more thorough-going Socialism, and to a demand for communal control and ownership of industry. With the economic aspects of his propaganda we need not here concern ourselves: but from the point of view of political theory there are many points of interest in the rise of English Socialism.

Owen, in the first place, did not believe in "the class war." He clung to his rationalism and to his belief that the rich were "in error" and not maliciously inclined towards those whom they employed. He accepted the State as a reasonable form of human association, and believed that the disharmony of the times could be remedied by peaceful methods, *i.e.* by an agreement to remove the inequalities of property and to establish a co-operative Communism in place of competitive enterprise. First men must be awakened to the existing causes of strife: then they would all agree to sink their differences and to build up a community wherein these causes should cease to exist. Theorists of the class war, on the other hand, besides opposing force to pacifism, are usually agreed in denouncing the State, as we understand the term, on the ground that it is a capitalist organisation. By this they mean that as a political body it is the creation of an economic system: that system being condemned, its creature must go with it. A sounder economy, wherein true unity has been made possible by the elimination of the exploiter, will develop its own political society. Bolshevik Russia, for instance, has abandoned the State in abandoning capitalism: its local unit is the Soviet, and the national unit is a Federation of Soviets. When Owen first became a Socialist propagandist his political theory was, in a sense,

pacific and conservative. He wished to regenerate the nation by the establishment of co-operative societies, from which the light of the new wisdom might radiate.

In the second place, it is interesting to notice that, while Socialism has owed a tremendous debt to the concepts of Natural Law, English Socialism, as expressed by the Owenite co-operators, drew its inspiration from the school of experience and from the Utilitarian ideal. When the London Co-operative Society was founded in 1824 "the founders declared that happiness was the true object of human exertions, and that it could not be attained to without a knowledge of the principles of society; the inventions and discoveries that led to the production of an abundance of wealth could not produce happiness unless corresponding progress was made in moral and political science. Only through such knowledge could man come to see that competition and private accumulations or excessive inequality could never produce happiness; society must therefore be built up on a system of mutual co-operation, community of property, equal labour, and equal enjoyment."¹ Here is the "felicific formula" in full blast; but the music it discourses differs altogether from the economic doctrine to which the Benthamites of purer blood were now committed. Benthamism was fruitful of many children: Natural Law had not yet recovered from the disgrace into which the French reign of terror had brought it, and the reforming Radicals, like Francis Place, were at one with the anti-Parliamentary Co-operators in acknowledging the greatest good of the greatest number to be their goal, and in avoiding all a priori assumption about the natural and imprescriptible rights of man.

But as the movement became more extreme, its

¹ Beer's *History of British Socialism*, p. 185.

philosophy altered with its proposals. On the political side, the Labour wing, which agreed to work with the Radicals for reform, began to base their policy on French models. The National Union of the Working Classes, which was primarily a political not an economic organisation, declared in 1831 for the revolutionary creed, and attributed the crimes and misfortunes of the world to contempt for the rights of man. It was from the pioneers of this body that Chartism sprang, and the principles of the Charter, which could perfectly well have been argued out in terms of Utility, were usually stated according to the gospel of Rousseau. This was only natural, partly because the Benthamite creed had now become distinctively an attribute of the Liberal Right Wing, *i.e.*, of the wealthier Whigs, whose ambition was freedom of contract and of trade, partly because advanced democrats are almost inevitably doctrinaire. As they see the practical man, even though he may profess an ardent belief in the greatest good of the greatest number, slipping ever more into Conservatism, they easily become contemptuous of arguments from present experience and appeal with a gesture to the ready postulates of Natural Law. From the point of view of the agitator it is far more profitable to rouse an audience by the argument that they have been robbed of rights which once were theirs, than to demonstrate, however logically, that the politics of reform, or even of revolution, are likely to create the maximum of pleasure. The idea animating Chartism was in reality the idea that had animated the peasant revolts of the Middle Ages, the faith in the lost but blessed state of nature, and the wrath against those who had destroyed it. "When Adam delved and Eve span, who was then the gentleman?" The rhyme is as telling against the absentee shareholder in a cotton mill as against the encloser of

common lands. The Chartists clung to the belief that if the world was left to work upon its own natural laws all would be well. But the world had not been left alone : positive law had been grafted onto natural law ; and the result was tyranny, chaos, and corruption. The obvious remedy was the seizure of political power in order to make positive law not the contradiction of natural law, but its interpreter and complement. The Chartists desired to make Parliament serviceable to the people, since the Reform Bill of 1832 had proved to be barren of utility. They imagined that, by gaining the six points of Universal Suffrage, Equal Electoral Districts, Abolition of Property Qualifications for candidates, Annual Parliaments, Vote by Ballot, and Payment of Members, they could make the Legislature a potent weapon to strike down the usurping oligarchy. It was a question of clearing the old way, not a question of constructing a new one. Humanity, which had all the natural elements of goodness, had become somehow bad : the cause of this fall was not theological, but social : it was the domination of a class. As one studies the Chartist propaganda one's mind runs naturally back to the middle of the seventeenth century, to Lilburne with his Levellers, and Winstanley with his Diggers. Both the latter had urged this same point about usurpation, and had incited the people to regain their stolen rights. The seventeenth century men attributed " the fall " to the Norman invasion of England ; the Chartists did not make a similar attempt at precision. But the gospel is the same. The Chartists, of course, were practical politicians and men of action ; but their philosophy, when analysed, shows a complete break with Benthamism. Bentham was urgent for Parliamentary Reform, but he would have had no sympathy with the Chartist state of mind. For he was always

looking forward to happiness, and they were always looking backward to justice. Bentham had expressed a pious ambition to be roused from his grave in a hundred years' time in order that he might see the wondrous progress towards universal happiness that the world would inevitably have made ; but the theorists of the new democracy would probably have expressed a preference for being born before their time, for a miraculous translation, not to the triumph of civilisation, but to the blessed ages ere that tragedy began.

The disillusion caused by the limited nature of the Great Reform Bill, and by its unfortunate sequel, the harsh Poor Law of 1834, brought about a violent reaction against Parliamentary methods. The left wing moved to revolutionary Trade Unionism ; Robert Owen was in that movement, but scarcely of it. He was anti-Parliamentary, but he never accepted the creed of the class war, which now began to find violent expression. Consequently he was in constant strife with the more fiery leaders, and the failure of the Grand National Consolidated Trades Union was partly due to the dissensions between Owen and the " class-conscious " agitators. Owen still held that the national unity was a real one, and could be permanently guaranteed by the acceptance of co-operation, while his confederates based their constructive Syndicalism on a previous destruction of the State. Their lived brave men before Agamemnon ; and the class war, founded on an economic interpretation of history, was planned and discussed in England long before the codifying capacities of Karl Marx had worked out the theory with a wealth of detail and made straight the way for the first International. What is most relevant to our purpose in a discussion of political theory is to realise the implications of the class war.

Ever since the age of the Tudors national unity had

been taken for granted, and the problem for political theorists had been the distribution of power and later of happiness within that accepted unit. In the urge towards nationalism, Europe came far behind England, whose adherence to that idea was largely conditioned by geographical isolation. But the nineteenth century saw the triumph of the national ideal on the Continent, and both at home and abroad the theory of the State had become the theory of the Nation, and the theory of the Nation-State had become the accepted theory of society. But the ideology of militant Socialism, quite apart from its economic postulates, was a challenge to the State. It was an important contribution to political theory, because it maintained roundly that political theory was rubbish. What the writers of the *Poor Man's Guardian* were insistently proclaiming was the artificial nature of political society, which was nothing to them but a pale reflection of economic fact. It is true that their philosophy was not carefully thought out, but in all their contributions to social theory they were animated by a strong faith that Sovereignty was not a political problem at all. Capitalism had opened their eyes, rightly or wrongly, to a new vision of society: it was useless to discuss social contract, or the real source of political power, in the face of industrial conditions. Political power might be theoretically vested in the people, but it was always subordinate to the economic power of those who, by controlling land and capital, held at their mercy the raw materials of existence. Hence the whole theory of the State is challenged. What matters to society is not unity of locality, but unity of purpose; and the community of interest between the proletarian worker of one country and his fellow-proletarian in another was claimed to be far greater and far more binding than the community of interest between

Sir Midas and his myriad employees, though they all lived in the same town and in the same country. The international solidarity of Labour began to be acknowledged, and soldiers to be regarded not as defenders of the community, but as defenders of a privileged class. The Nation-State was identified with cruel privilege, and the restoration of Natural Law would involve its destruction. It would be ridiculous to claim that the economic interpretation of history was thought out by the Syndicalists of the 'thirties with the precision and the German thoroughness afterwards lavished upon it by Karl Marx ; but the germ of the idea was in the air of those tremendous years, and the possessing classes took every medical precaution to see that it was killed.

Revolutionary Trade Unionism was broken on the indomitable rocks of plutocratic power : the democratic movement reverted to political action, determining, as it were, on the use of the State to kill the State. Equally vain hope ! The world was not ready for democracy, and public opinion was satisfied with the Utilitarian liberty, a very different thing. A purely rationalist psychology like Owen's was bound to be sterile : "that monster Custom" doth possess the world, and an attempt to reshape the world without any allowance for instinct, tradition, and experience is the very fashion of futility. Burke's eagerness to subordinate politics to history and to submerge the nascent idealism of man beneath the incubus of his past, was no more short-sighted than the eagerness of Godwin and of Owen to liberate politics from history altogether. There is a cant of evolution and there is a cant of revolution ; the task of social theory is to discover just how far the spirit of man is determined by the past accidents of the body individual and the body corporate, and how far it is free to make a sudden spurt for Utopia.

The rationalist doctrine of immediate perfectibility is no more tenable than the theological doctrine of predestination; a fervid passion for Natural Law creates a purblind hatred of its positive brother. But the law of most communities is always morally in advance of the worse elements of the population, while it is morally inferior to the outlook of the most enlightened. Nor, plainly, is it altogether an artificial imposition, but in many respects a crystallisation of popular instinct, and custom. It was because the mass of English people had some inkling of these truths—not, of course, a reasoned philosophy of society—that they remained impervious to the Utopian propaganda of Robert Owen and to the Chartist reaffirmation of Natural Law. All the social forces of the time were moving in a far other direction, and the effort to graft Socialism upon the Utilitarian formula, determined as it was and backed by splendid self-sacrifice, was destined to an undeniable failure. Benthamism had to work itself out in terms of industrial individualism and the liberation of the new and irrepressible social forces. Only when the great Victorian experiment had been made and men began to pass judgment on its success as a guarantor of general happiness, could the reaction towards social control and the ideas of Socialism have a fair opportunity for self-justification.

CHAPTER X

LIBERTY AND INDIVIDUALISM. MILL AND SPENCER

THERE was little response in Great Britain to the European ferment of 1848. Trade Unionism had abandoned all revolutionary claims and was preparing for the structure of reformist societies among the "aristocrats" of labour, skilled craftsmen with a rooted distrust of their unskilled comrades, and no vision whatever of class solidarity. The Chartist fires had burned away and Victorian Liberalism, prosperous, vigorous, and self-confident, was entering into its years of triumph. The Continent might experiment in Natural Right ; for England the utilities of Free Trade sufficed. Though, in a narrow sense, the philosophic Radicals were a small and a discredited party, their philosophy had sufficiently infected the main body of the community to justify the description of our mid-century thought as predominantly Benthamite. John Stuart Mill, who was in the direct line of Utilitarian succession, a chosen one given over from birth to the study and propagation of the true gospel, undoubtedly ruled over the intellectual world until Spencer, Darwin, and Wallace gave to all speculation a biological bias and set men discussing political theory in terms of survival and of science. Mill's task was to set the coping-stone on the great edifice of thought planned by Bentham, elaborated by James Mill his

father, and further added to by John Austin and George Grote. He softened away the crudities of Benthamite ethics, and in so doing he made Utilitarianism at once more human and less consistent : he admitted superior quality in one form of happiness as opposed to another, which seemed to be perilously near an intrigue with the old, detested intuitionism. He made innovations in the ruthless economics of *laissez-faire*, and was not unsympathetic to Socialism. But throughout his life he was guided by the idea of liberty : for in his analysis of that happiness which he claimed, as a good Utilitarian, to be the final criterion of all conduct, he always laid stress on the vital necessity of freedom.

English political theory is thus led into new paths. Hitherto the struggle had raged largely round the seat of sovereignty : its scope had not been so thoroughly discussed. The battle of the reformers had centred round the transference of legal sovereignty from the monarch to the Parliament ; then from the Parliament to the people. The Reform Bill of 1832 had certainly carried this transference as far as the wealthy middle-class, and a more drastic measure was at hand. The earlier Utilitarians had been vigorous democrats, and had assumed that if man was only given the opportunity of free choice he would know his own greatest happiness and successfully pursue it. A wild assumption, based on a purely intellectualist psychology and making no allowance for the ingrained conservatism and tradition-worship of the race. Mill realised that the problem was not so simple as that, and he also realised that the principle of majority-rule, which democrats had made their goal, bore no necessary connection with the liberties of the individual. Political liberty, which works necessarily through Parliamentary institutions and the counting of heads, may, of course,

coincide with social liberty, which means the wide distribution of the power of self-determination. A majority, supreme in its legal rights, may behave immorally: the transference of absolutism from a Stuart to a House of Commons does not guarantee the rights of the citizen who happens to be in a minority. And, quite apart from the question of political action, the tyranny of the majority can be most brutally enforced by the action of an intolerant public opinion. In other words, the people, whose voice is as the voice of God, may and does behave in the same spirit as the mob of schoolboys who will torture a newcomer for having the wrong sort of collars or a comic Christian name. If the connection between divinity and democracy that is so loved of doctrinaires be founded on fact, then assuredly God moves in a mysterious way His blunders to perform.

Thus it was only natural that, with the growing acceptance of the democratic principle, political theory should concern itself more and more with the individual. The old struggle against Divine Right had been fought and won: the struggle against the eighteenth century oligarchy had also resulted in a victory, not, indeed, for the whole people, but certainly for the rising commercial class. The first task of the Utilitarians, in pursuit of general happiness, had been the destruction of "sinister interests," and in their way they had achieved a vast amount. "The legislation which followed the Reform Bill gave an approximate sanction to their doctrine. The abolition of rotten boroughs destroyed the sinister interest of the landowners; the reform of municipalities, the sinister interest of the self-elected corporations; the new poor-law, the sinister interests of the parish vestries; and the ecclesiastical reforms showed that great prelates and ancient cathedrals were not too

sacred to be remodelled and made responsible. The process inevitably smoothed the way for centralisation. The state, one may say, was beginning to come to life.”¹ This centralised, acquisitive state, though it might be more democratic than the idler and more easy-going “state” of the old oligarchy, contained in it the seeds of despotism. It was Mill who saw through the facile optimism of his predecessors in democratic theory and determined to make of Liberty, the liberty of men and women, not of groups and abstractions, a political concept of primary importance. He dreaded at once the incompetent but powerful bureaucrat, the ignorant but powerful majority, and the brutal intolerance of unreflecting, uninstructed public opinion. That is why his essay on Liberty is of greater importance than his work on Representative Government. By breaking away from the search for sovereignty to a limitation of its just and proper scope, he took an important step towards the development of English social theory. Mill was a good democrat, and his pleading for the enfranchisement of women at a time when that measure was hardly thought about, showed that he wished the distribution of power among the people to be as thorough as possible; but he realised that democracy was not an end in itself, and that it was valuable only as a means to happiness. But the happiness of the citizen is conditioned by his capacity to develop and to function freely: wherever there is unnecessary repression and restraint, happiness is impossible. Therefore the primary duty of the social theorist and of the good Utilitarian was to relate a philosophy of individual liberty with a philosophy of democratic and representative government. That was the task which Mill set himself, and few men were more

¹ Leslie Stephen, *The English Utilitarians*, vol. iii. p. 247.

naturally fitted for the work than this deeply reflective yet sympathetic and imaginative man.

Mill, true to the encyclopædic tradition of his fore-runners in the faith, explored every branch of sociology as well as of philosophy; and consequently he cannot be discussed in full. Our task is to select, and to select that feature of his thought which was at once original, typical of his epoch, and an obvious landmark in English social theory. The problem of individual freedom was now brought to the foreground of the intellectual battlefield, and, with the widespread belief in majority rule, it is never likely to recede from that position. Mill cared particularly for the idea of freedom, and he devoted particular care to his famous essay *On Liberty*. It appeared in 1859; but, short as it is, it represented the gleanings of long reflection, a felicitous co-operation with his wife, and a constant and careful revision. Though the Oxford school of Hegelian thinkers have made every effort to discredit the views contained in it, mankind will probably be reading Mill long after the tortuous ethics of State-absolutism have been forgotten.

In the first part of his essay, Mill traverses the easiest ground. To justify the fullest liberty of thought and discussion does not call out the full powers of the controversialist. Mill was here no innovator: he followed, and followed worthily, in the footsteps of Milton, Sidney, and Locke. But, of course, he never speaks in terms of absolute or natural right: he is concerned to demonstrate the beneficial results to the community that spring from a general toleration. To suppress the opinions of others is to claim one's own infallibility: to refuse to allow one's creed to be tested at the bar of common discussion, means that the creed will not be understood in detail. A creed which is accepted because authority

commands it, becomes a "mummery, stuffed and dead." To forbid people to dispute the truth of Christianity, for instance, is to do Christianity the worst possible service. It is to rob it of the springs of life, which are choice and criticism. There is no creed, no -ism, no cause which should not be given its full chance of life. Mill has sufficient faith in humanity to believe that the inherently silly will collapse in time beneath its own folly, and that the inherently sensible will, after long years and long discussion, gradually become woven into the texture of common thought. In fact, Mill is really preaching the survival of the fittest in the world of ideas. But, even should man make gross blunders and reject what he should retain, no possible good can be achieved by authoritarian interference. Prop up Christianity with the pillars of the State, and Christianity immediately loses its genuine characteristics: call in Cæsar to save Christ, and he at once destroys Him. No sooner did Christianity become "successful," no sooner did it capture the seats of government and assume the weapons of persecution than it became, from the point of view of eternity, a disastrous failure. In the same way any school of thought, by demanding a monopoly of the intellectual world and by enforcing that demand with lash or law, commits suicide. It ceases to be thought. Mill's plea for intellectual liberty is a tremendous indictment of Cæsarism, a creed which puts social calm before social vitality. The Cæsarist wishes to shuffle off all the burden and responsibility of choice upon the shoulders of a super-man: the world is a rank garden: he will play the cabbage and leave the tending of weeds to such as will take on the task. That way, says Mill, lies only a drowsy peace, which is the very antithesis of happiness as he interpreted it.

It has been argued that Mill overestimated the value of the "crank," that he gloried in opposition for opposition's sake, and deified the mere obstructionist. But the truth at which Mill was aiming was that, while four "cranks" out of five may have nothing of real value in their minds or characters, the fifth may be worth more to humanity than a million normal men. Christ was crucified as a "crank." For that reason it would be monstrously foolish to persecute cranks: for though nine may be justly despised and rejected, the tenth may have in him a priceless boon for his fellows. All leaders of thought have been jeered at in their day, and prophets are stoned abroad as well as at home. And again, to turn to a broader political issue, Mill saw that the real danger of democracy was the power it would bestow on those who moulded public opinion. He wanted public opinion to be alert, critical, and self-reliant. For that reason, while he favoured compulsory education, he maintained that such education should only be paid for by the State and should be administered by private bodies, provided those bodies maintained a due standard of efficiency. This policy, which is now largely accepted by the Board of Education in regard to the teaching of adults, he wished to be of universal application, because he dreaded the uniformity of outlook which would be created by a unified, bureaucratic system. Can we say, in the light of present experience, that his fears were all ungrounded? We talk blithely of making the world safe for democracy, but Mill wanted to make democracy safe for the world; and he knew that, so long as the mob-mind was only receptive and not creative, a most tremendous power would lie with authority, a power that would altogether stultify the democratic ideal. That is why he defended the original thinker, although the originality may be a stupid perversion or an idle

pose. Leslie Stephen rebuked Mill for "admiring originality even when it implies stupidity. He would approve of circle-squarers and perpetual-motion makers because they oppose established scientific principles." Stephen believed more hopefully in "the collective mind of the race." But Mill was not so much laying down abstract principles, as expounding the true utility in the world as he knew it. He knew that the tyranny of "established scientific principles" is not only cruel, but capricious. Had he been alive to-day he would have seen even more clearly that the main function of the leading scientists is to upset each other's "established principles," and that there is nothing sacred about the shifting claims of pundits. He never despised knowledge or mental training, but he foresaw the perils latent in "the collective mind of the race." Such "a collective mind," when it is not merely an idle abstraction, may mean a mass of minds that have no content. And that, when public opinion was accepted as sovereign, boded ill for human happiness. There was no need for Mill to take back a word of his defence of spontaneity and contradiction: when it came to "suffering gladly," Mill preferred cranks to fools. And the whole history of democracy has justified his choice. There can be no tyranny more terrible than the despotism of dullards, who are but the dupes of the ambitious and corrupt.

If freedom of thought be a social good, then it follows, as night the day, that freedom of action is good also. Individuality was to Mill "one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress." But individuality must find expression in conduct: better to be a slave throughout than to think freely and to act in servility, for that is to have the lie in the soul. Mill, therefore, proceeds to an examination of free conduct and the limits

of collective control: he is in search of a criterion for "interference." He finds this criterion in a distinction between self-regarding and other-regarding conduct. The individual has a right to self-protection so long as he concedes a similar right to others. In every form of activity wherein he is likely to affect his neighbour's welfare, the community may justly coerce him; but there is one citadel where no invader may rightly tread. An Englishman's self is his castle. This distinction of Mill's has been the object of constant criticism, because it is extremely easy to demonstrate that conduct cannot be rigidly divided into actions of external and internal reference. We are members of a society, and whatever we do to ourselves we do in some measure to others. But Mill realised that quite as clearly as his critics, whose censure would carry far more weight if it was not based on the preposterous supposition that Mill was a complete fool. No classification of conduct can ever be accurate, because the subject is insusceptible of mathematical precision. We can only make rough divisions, and Mill knew this. If we come to regard his recommendation not as absolute law, but as a practical proposition that may help us in a majority of cases, there is much to be said for it. Those who talk about the State guaranteeing the individual's "real freedom" by its interference, are utterly at a loss for a criterion. Where does false freedom end and real freedom begin? The State may claim to know my own good better than I do myself, but what is the State when it is removed from the philosopher's study? It acts through a set of officials, sometimes honest, sometimes corrupt, sometimes wise, sometimes foolish, sometimes energetic, sometimes idle. The State is nothing more than you and me and people like unto ourselves. And why then should these officials

lay claim to omniscience? Because they are backed by Parliament, which is backed by the general will. A pleasing theory, but every one knows that it bears no relation to the truth. The community organises itself as a State, just as it organises itself in churches and football clubs and Trade Unions, to get certain things done. It does not, by this action, commit itself for ever to "the never-ending audacity of elected persons." There never was a historical social contract, but the social contract represents a philosophic truth, namely, that government exists for specified purposes and cannot justly assume an unlimited moral sovereignty. Mill was not a bigoted individualist and certainly no believer in natural rights, but he foresaw the immense peril of conceding to government powers which it had no business to use. The fact that the Government is backed by a compact democratic majority makes not the slightest difference to the fact that the Government exists to promote happiness: happiness must exist in and through individuals, and there is no such thing as "social happiness" apart from the sentiency of men and women: therefore, though legal sovereignty does belong completely to Parliament, it is fair to ask how far can Parliament morally go? It can go just as far as will promote the greatest happiness of the greatest number, and when we analyse that happiness we find it consists very largely in spontaneity and freedom. Therefore Parliament, in its pursuit of general happiness, would be well advised to leave people alone, so long as those people leave others to themselves. Of course, the principle cannot be applied easily or accurately: Mill never pretended that it could. But what Mill did see was that reliance even on so rough a rule as this was far safer than the granting of absolute moral rights to the majority. Democracy exists for individuals, not individuals for democracy.

By emphasising this truth, Mill showed that he visualised the political problem aright: it was the primary contribution of the Utilitarians to social theory that they always regarded every question in terms of human beings, not, as the lawyers and the Hegelians were doing, in terms of an abstraction. The fact that society is a natural growth, and that only in society can the individual find his happiness, does not invalidate the doctrine that society exists for individuals. But natural society is different from the various artificial forms of government which men have constructed for themselves: these are deliberately handled tools, and their manipulators have a perfect right to master them. Where Mill might have gone further was in the elaboration of his rough-and-ready rules. For instance, instead of being content with his distinction between self-regarding and other-regarding conduct, he might have analysed the way—none could have done it better—in which certain forms of legislation are incapable of application. Laws of the "interference" order are often useless, not because their purpose is inherently bad, but because it would need an army of government spies to see them enforced. Elaborate temperance precautions are usually of this kind; as are most efforts at moral regulation made by Watch Committees and other puritanical bodies. Again, Mill might have further proved the self-contradictory nature of much coercion. The element of compulsion robs of all value acts which should be essentially spontaneous: history is one long record of religious persecutions, based on the assumption that the religion of a conscript worshipper has some value in the eyes of God. Though legal persecution is not so strong as it was, social persecution lives on, animated by the same terrible fallacy. What can be the value of a patriotism whose subject has to be coerced into saluting

the flag? Might not the fellow be left alone? You can force a man to say he agrees with you, but you can never make him really think your thoughts. Mill understood this better than any man, and by expanding his criterion of justifiable coercion to include such considerations as these he would have made his theory more catholic. Had he put his case in the following form: "Only those invasions of liberty are justified which create opportunities of further liberty; but the welfare of people always to precede the welfare of institutions," he would have steered more easily, perhaps, between the rocks of anarchism and State-absolutism. But his formula, standing in its own form, has a sterling value, and in these days of unlimited bureaucracy and worship of God-Cæsar there is a strong undercurrent of opinion towards a Utilitarian restatement. Our grandfathers probably took Mill's teaching as pure milk of the gospel, but our fathers would have none of it, for in their time the collectivist ideal entered on its triumphal progress. We have suffered for their neglect, and the civil liberties of England have withered in decay; there is no reason why the necessity for economic control should affect political status. While society turns more and more to a social control of industry, it can and surely will demand a fuller political freedom. There is no connection between the nationalising of economic monopolies and the abolition of *Habeas Corpus* and Free Speech. In other words, Mill's political ideals are perfectly compatible with Socialism, so long as that Socialism is based on a philosophy of individual welfare. That is why the Utilitarian creed, though long discredited, has in it the prospect of immortality.

Herbert Spencer restated the individualist case from the so-called scientific standpoint, but much of his thought was curiously unscientific. If science be con-

nected with precision. Few men have made greater claims for the ordered processes of reason, and yet allowed themselves to fall into so many logical traps. While Spencer was a thinker of first-rate importance, and did a tremendous amount to popularise evolutionary theory, he was, judged simply as a political philosopher, inferior to Mill in judgment, consistency, and grasp of principle. His chief contributions to social theory were his *Social Statics* (1850), *Principles of Sociology* (1876), and *Man versus the State* (1884). His doctrines show certain modifications with the lapse of years, especially on matters of practical detail such as land-nationalisation; but, on the whole, his main tenets were never abandoned, and his individualism was as pronounced in his old age as in his youth. Radicalism gave way to the invasion of collectivism, but Spencer never joined in that surrender. The ingredients of his creed are numerous and diverse. He himself was accustomed to talk of the "bias" with which men faced the social problems of the time, but made claims for his own impartiality. Nevertheless, certain biases are plainly marked in his work. In the first place he derived from Dissent, and the left wing of the English Dissenters have always had a corner in their hearts for the doctrine of Natural Rights; secondly, he had given his early youth to Radical propaganda, and had been under the influence of Thomas Hodgskin, a doctrinaire democrat, who preferred Natural Law to Benthamite Utility. Again Spencer was brought up in the heyday of philosophic Radicalism, and was perfectly prepared to acknowledge Happiness, understood as free functioning of the individual organism, to be the end of life. Certainly his economic outlook was pure Benthamism, and he believed to his last days in the futility of interfering with industrial forces. On the other hand, he lacked

Mill's sensitiveness to suffering, and brought from his evolutionary studies a certain ruthlessness: arguing from the phrase "the survival of the fittest," he denounced all forms of State aid to the distressed, all poor relief, in fact, all of the organised charity which we now call social reform. There is thus a savagery in the Spencerian individualism which was absent in Mill's gentler discipline. Lastly, we must add to all these ingredients a curious belief in the organic nature of society, and a hopeless determination to combine Natural Right with the Social Organism. But Natural Rights imply some form of social contract, and social contract, can ill be fitted into a Social Organism. Spencer was constantly reiterating his statement that society is a natural growth, not made with hands: and as constantly building it up on a basis of unrelated, purposive, self-determining individuals. His primitive man bears a distinct resemblance to the savage of the Hobbesian fiction; but his commonwealth is of an exactly opposite nature. For while the Hobbesian contract was a complete abdication of rights in order to maintain the possibility of security, Spencer's men were most shrewdly covetous of rights, and conceded only the minimum to Leviathan. Hobbes gloried in Leviathan's omnipotence: Spencer wished and believed that the monster, for the moment a necessary nuisance, would in time be got rid of altogether. A queer farrago is the social theory of Herbert Spencer.

"The real strength of Spencer's creed lay in his theory of individuation." His study of biology had impressed upon him the evolution of organisms from a simple integration to a complex individuation: that is to say, life, as it develops, is constantly throwing off fresh forms of activity and evolving from a dull similarity to a startling difference. One jelly fish is very like

another, but what an infinite piece of work is man ! We move from homogeneity to heterogeneity. What is true of the individual organism he claimed to be true of the social organism : communities also move from the like to the different. With this tendency Spencer associated the movement from status to contract. The primitive and bad society is that of the militarist State, where ruthless discipline reduces all men to similarity, where authority and obedience are the natural companions of lofty or lowly status, and where the free functioning of the individual, according to his natural endowments, is rigidly suppressed in the interests of "social unity." Government here is supreme and under this tremendous integration the happiness of the individual must be crushed. In contradistinction, the industrial state is a paradise of individuation : there no constraining arm of the law interferes to send each man about his proper business, but each can choose for himself and settle his own fortune by free contract. In such a community government will soon become superfluous, and mankind, freed at last from the impertinences of Bumble and the ukases of Sir Pompous Insolence, and all the incompetent meddlers of Whitehall, will attain a static Utopia of prosperous anarchy. Spencer is really contrasting the respective heavens of a choleric major-general and of a wealthy Cobdenite of the 'sixties.

Yet we are all of us attracted by the concept of individuation ; and every man, unconsciously perhaps, is something of an anarchist at heart. Our dream is of a community where men will so respect the rights of others that there will be no need of a policeman to enforce those rights, of a land where virtue will be entirely voluntary and entirely successful. Most Socialists have a strong vein of anarchism, and they

accept the rigorous control which their creed implies not as an end in itself, but as a means to compassing that state where all control will have vanished. Despite all the ingenuity of State-theorists we never lose our belief that government is a necessary nuisance, and, though the day when we can dispense with it may be infinitely distant, we cling to our faith in the day. Spencer gave to this persistent faith a biological flavour, and when he talked of society moving towards a complete equilibrium of interests and towards a complete individuation of its component parts, he was doing no more than project into a scientifically visioned future that State of Nature which the mediævalists had constructed in a mythically visioned past. And just because most Englishmen, despite their outward assumption of rough practicality, muddling through, and business as usual, have stored within them a sentimental attachment to individual liberty and to Natural Rights, Spencer was in many regards a representative thinker. Laugh at the Victorians as we may, we must certainly acquit them of militarism; that monster was the child of a political theory that came later to our shores. What Cobden "the international man" was preaching in the political world, what Mill had elaborated in the highest achievements of Utilitarian philosophy, Spencer repeated in terms of the newly developed sciences. All emphasised the vital need of individuality in a world where integration of social forces threatened to set up a tyranny of institutions that would out-rival the worst excesses of personal despotism. Those threats have been realised, and society instead of moving towards an ever greater individuation has been swept back by the war to the integration of militarism. That is why the Spencerian philosophy, full of inconsistencies though its critics may prove it to be, has one message of

tremendous value to-day. Let us admit that he blundered: let us admit that Natural Rights are incompatible with evolutionary biology and that you cannot first define the State as "a joint-stock protection company for mutual assurance" and then bestow upon it the unity of a Social Organism; let us admit that society cannot both be contractual like a limited liability company and grow organically like any individual creature. Let us admit that his logic became tangled in the maze of evolution, and that he never defined his relative term "fittest." A man may be fit physically or morally or economically or intellectually, and in an economic society it is the economically fit who will survive. Does this prove that all others should be left to perish? Spencer certainly implies this, and his theory of liberty had nothing of the quality of mercy. Grant all these errors, yet much remains. There is, for instance, a continual insistence that the State can only function through individuals, and that those individuals are no wiser or better than ourselves. Accordingly all mystical worship of the State must be scrupulously criticised and all fine phrases about "higher unity" translated, as the Utilitarians demanded, into terms of human happiness or suffering. And in the second place, Spencer did thoroughly realise the danger to society from the consolidation of forces and the enormous growth of population. He did foresee the position of the citizen who should be one out of fifty million, a power-unit with no sense of power, an elector of superior people who would treat him in turn with savage contempt as raw material for their pet theories of reform and social betterment. Like Mill, he foresaw the dangers of the integrated mob-mind, crushing with its hideous homogeneity every spontaneity or innovation: like Mill, too, he saw that democracy alone

was no panacea ; that the transference of legal sovereignty to the majority of the moment was no guarantee of the universal right to happiness ; and that the value of self-government depended entirely on the nature of the "selves." Spencer, by brutally misapplying his creed, seems unspeakably ruthless to us now ; but there was none the less implanted in his Radicalism the seeds of a genuine humanism.

CHAPTER · XI

COLLECTIVISM AND THE SOVEREIGN STATE

“**I**N any society political organization is necessary, because common action is necessary to repair the disorganization caused by the fact that men act independently and yet affect one another by such action.”¹ The importance of this truth had been underestimated by the Victorian libertarians; it was to be emphasised, indeed to be over-emphasised, by their successors. It was on the economic side, however, far more than on the political that the hopes of the *laissez-faire* theorists collapsed. “Freedom of contract” proved to be a mere illusion when the labourer’s freedom consisted of a choice between accepting the employer’s terms or starving in the gutter. The Benthamite conception, that you had only to set men “free” to guarantee them happiness, was shattered by the iron logic of the wage-system, and the fruits of economic freedom were an ever-growing disparity of wealth and the accentuation of class-conflict. Of the growth of “darkest England” John Stuart Mill was well aware, and, as a result, he began to temper his political liberalism with an economic Socialism; the problem of wealth-distribution he saw could never be solved by the old anarchical methods. Thoughtful men and women were driven by the hideous

¹ A. D. Lindsay, *The Theory of the State* (Bedford College Lectures), p. 104.

economic fact to break camp and to march into new fields of theory. The second half of the nineteenth century marked, accordingly, a complete reversal of the accepted gospel and a conversion to the advantages of collective responsibility and collective control. Professor Dicey in his *Law and Opinion in England* (1905) has analysed the trend of thought and legislation during last century, and suggested 1865 as the date at which Benthamism was discredited and Collectivism began to take its place as the governing concept in social theory and practice.

This new attitude to life, finding expression in a renewed confidence in the State, owed its origin to the stings of the common conscience smitten by the horrors of destitution, ignorance, and economic oppression. At the same time, while external pressure was thus compelling sensitive and imaginative people to question the assumptions of their fathers and to seek a reorientation of political ideas, philosophy was being modified in the schools by a reaction towards the Hellenic creed of the State and the moral conception of will and freedom expounded by Rousseau. Though Rousseau had undoubtedly inspired the English disciples of Natural Right at the close of the eighteenth century, his real influence made itself felt in this country nearly a hundred years later. Natural Right was but the husk of his doctrine: the true grain was his philosophy of will, of which more will be said later. Utilitarianism had been undeniably complacent, and even the hesitations of John Stuart Mill had never impaired its confident aspiration to rebuild society upon a single and a simple principle. But events had shown that the world of political and economic relations was far too tangled and complex to be so easily put in order. Consequently thinkers began to suggest that there had lived wise men

before Bentham; and at Oxford especially, with its strong tradition of classical study and its emphasis on the Hellenic basis of all philosophical speculation, the Greek conception of the State as an organism with will and purpose directed to a moral end rapidly supplanted the mechanistic conceptions of the lately fashionable individualism. T. H. Green, whose lectures on the *Principles of Political Obligation* were given at Oxford in 1879-1880, both led and typified the new movement. In practical politics he was an active Liberal, amenable to a degree of "State Interference" which would have horrified the older men of the tradition, but opposed to Socialism and the collective control of capital: in religion he was equally practical, believing that true Christianity must find expression in a full, active, and conscientious citizenship; in his philosophic justification of the whole he derived largely from the Kantian conception of the will and from the Greek blending of ethics with politics, individual with society.

Plato, in his *Republic*, had carried to its logical conclusion the notion of society as an organism. He had identified the State with society, a dangerous fallacy, and had drawn a complete analogy between the State and the individual. Such an analogy is inevitably fatal to democracy, because it makes individuals not ends in themselves, but mere limbs and appendages of a social person whose life and value is the only end. Thus some social parallel must be found for the human brain, and Plato constructs a class of philosopher-kings: equivalent to the human muscle is his soldier-caste; while the desires and appetites are represented by the mob. The function of the philosopher-kings is to rule, as the function of the brain is to direct: the function of the soldiers is defence; the function of the mob is to work

and to obey. Now, however pleasing this symmetrical analogy may seem to the philosopher, it does not and cannot coincide with the facts of our experience or the prompting of our ideals. Much nonsense has been talked and written about natural rights, but the stressing of human equality is extremely valuable just in so far as it upholds the right of each and all to be considered as ends in themselves, not as the nerves and sinews of Leviathan. Once turn the State into a person like unto ourselves and all democratic ideas must be discarded; the toes cannot give orders to the brain, and the farm-hand cannot dictate to the statesman. Representative government of the individual organism is unthinkable. Plato was perfectly prepared to get rid of democracy, but we, looking back over a thousand years, may confidently assert that aristocratic and monarchical rule has never succeeded so well that we can scoff at the democratic idea. In this Western world caste has been broken, and, although in practice plutocracy has largely taken its place, we all profess and call ourselves democrats. The real value of Greek political thought lay not in this assimilation of the individual and the State, but in its insistence on the unity of ethics and politics. The primary purpose of the State is life: its plenary purpose is the good life. It is not a mechanistic agglomeration of self-interested individuals, like Hobbés' Leviathan or the Spencerian limited liability company; it is a natural growth that strives towards perfection.

This, then, is one origin of the new political theory. Platonism was pruned of its excesses and Aristotelianism tempered with Platonic insight. The other originating source was German. Kant had laid stress on the tremendous moral value of will: what mattered to him was that men should "will the universal," i.e.

that their desires should not aim at particular advantages and satisfactions, but at those ends which are of general application. He gave, in fact, a philosophical rendering of the Golden Rule. And, at the same time, he would have no relegation of the individual to the status of a "means." Even the least and humblest must be treated as an end and given the fullest opportunity of exercising his will. But the individual is not free when he is the mere victim of his own desires (here Kant is at unity with Plato), because appetite is a savage tyrant. He is only free, in truth, when he is willing his own good. The State, therefore, may intervene to check desire and to promote will; its object is not to regulate all things with the omnipotence and omniscience of the Platonic governing caste, but to remove obstacles to freedom; in other words, to crush desire and to release will. This it can achieve by creating a system of laws which are not in conflict with "natural right" but its sturdy guarantors. Rousseau, working on a basis of social contract, maintained that men surrender their freedom in order to receive it back again as members of a community, and the community, by crushing desire in the interests of will, can really force men to be free. It is plain that we are now in a world of psychological assumptions and arguments far remote from the simplicity of the Utilitarian creed.

Accordingly, if we bear in mind the changing social and political conditions of Green's day as well as the nature of his philosophical inspiration, his lectures are not such difficult reading as they may at first sight seem. His task was the analysis of society and the solving of the problem, "What is my duty to my neighbour, and why should I pay any attention to the constituted authority?" Starting with the principle

that society is a natural growth and that social theory is moral theory writ large, Green logically breaks away from the contractual attitude to "rights." On this basis there can be no question of bargaining: men do not "enter" society: they are born into it, whether they like it or not. To imagine any sort of concordance by document is to dream illusions. But they are born to be men, that is, to will their own good, to be free: and "their own good" implies the good of others, since there is no isolated selfhood in reality. "Rights," therefore, are only "natural" in so far as they are the necessary and constant conditions of the free, moral will: in practice they are determined by the social recognition that such and such conduct creates the greatest amount of real freedom. Thus the State is not the enemy of individual rights, but their indispensable champion. Law should be their charter. These rights must vary according to time, place, and circumstance, but the fundamental basis of right, that every person is an end to himself, can never vary.

But suppose the State, acting through law, should infringe what I conceive to be my rights? Suppose it should deprive me not only of some temporary satisfaction of desire, but of what I hold to be fundamental conditions of a freely willed and morally determined life? Have I any redress, and have I moral justification for breaking the law? Naturally the answer depends on the particular features of the case. Green, with his democratic tendencies and respect for majority rule, would have it that if the Government is plainly acting contrary to some right which has a general social recognition, then the Government has no claim on the authoritative name of the State, and may be morally, if not legally, resisted. Sympathetic to non-conformity, he would probably have sympathised later

on with "passive resistance," on the ground that the Government's educational policy was dictated by a sect without general sanction. But if there is no such general sanction, then the individual should yield, because promiscuous acts of defiance, although inspired by a righteous indignation and an unselfish zeal, would destroy the whole system of law which guarantees all other rights. So, in seeking to gain one right, we might lose all.

In thus idealising the State as the crystallisation of our moral social purpose, Green was treading on very dangerous ground. The State, after all, is an institution equipped with governmental machinery: such an institution is liable to capture by interested parties. A Marxian would argue, for instance, that the State has always been so captured, and that it has been simply the executive organ of the economically powerful class. Whether the question is capable of so simple an answer is for the moment irrelevant. What matters is the acknowledgment that the machinery of government can be captured and turned to perverted ends. Therefore, the more we idealise the State, the more we concede a State-sovereignty unchecked by individual rights, the more easily do we hand ourselves bound hand and foot to the pretentious and hypocritical usurper, whose every tyranny will be justified on the ground that he is forcing us to be free, and that, as the State authority, he can tell us our own real good. It is perfectly true that Green knew where to draw the line; he never wished the State to assume positive functions, but limited his collectivism to a demand for the social destruction of obstacles to freedom. He was willing to grant rights to associations within the State, and he wished the Nation-State to be itself linked up with and limited

by a super-national authority, a League of Nations or a Federation of the World. But Green's instinctive liberalism did not live in his successors, and we shall see how, in the later idealists of the Oxford school, State-sovereignty assumes most perilous dimensions and arrives, though by a very different route, at the Hobbesian heaven of absolutism. Green was too great, too sane a man to forget the individual. "Of his general principles we may at any rate say one thing. He has seized the philosophy of Greece and of Germany and interpreted it for Englishmen with a full measure of English caution, and with a full reference to that deep sense of the "liberty of the subject" and that deep distrust of "reason of State" which marks all Englishmen."¹ It might be wiser to say, "which used to mark." War inevitably shatters civil liberties, and the teaching of Green's successors had already given a dangerous sanction to the centralisation which is the seeding-bed of bureaucratic tyranny. The beneficent influence of Mill was still at work when Green wrote; with his followers, like Dr. Bosanquet, the reaction to State-sovereignty is complete.

Dr. Bosanquet's *Philosophical Theory of the State* is a sympathetic study in Rousseauism—with the historic Rousseau left out. English representatives of "Natural Right" had abstracted one-half of Rousseau's teaching and left out the other: so Dr. Bosanquet abstracts the doctrine of the Real or General Will and links it with Hegelian idealism. His whole argument rests on the assertion that there is no contrast, no conflict between the individual and society. But, while society may be just as necessary to the individual as the individual is to society, the whole of human

¹ Ernest Barker, *Political Thought from Spencer to To-day*, p. 58.

experience has supported the idea of a real divergence between the two. The doctrine of the social contract does contain a basis of philosophical, though not of historical, truth: men dwell in society because they need each other, but they also make laws because they distrust each other. All the time there is a double pull at work: they are drawn to each other and from each other, and the result is a compromise. To assume that any anti-social tendency is false or selfish is mere nonsense: "the instinct for self-maintenance and self-determination and the concept of the self as an end in itself are just as healthy and as natural as the self-sacrifice involved in social loyalties. Extreme devotees of "the co-operative commonwealth" (to use a vague but popular phrase) make the mistake of disparaging the passion for solitude and unaggressive individualism which has never left humanity. Dr. Bosanquet does not rank with the Socialists in his war upon the simple psychology of "self and others": rather does he side with the Hegelian, if not with Hegel himself. Hegel was the spiritual founder of the Prussian State: he elevated the mechanism of national government into an organ of superior wisdom, and could see in the State "a self-conscious ethical substance and a self-knowing and a self-actualising individual." What all this means is not easy to say, and one is prompted to believe that for Hegelians, as for Bunthorne in "Patience,"

It really doesn't matter
If it's only idle chatter
Of a transcendental kind.

This conception of the State as a social organism, transcending all the individual organisms that compose it, is, as we have tried to show, fundamentally undemocratic. Hegel was perfectly candid and logical

on this point : he put his faith in absolutism and looked to the monarch to embody the will and knowledge of the Social Person. What this means in practice everybody knows : it means spiritual servitude, bodily conscription, wars for "national interests," and the devotion of human beings to Leviathan in peace and Moloch in war. Dr. Bosanquet would not, of course, go to these lengths, but in his doctrine of the General Will he puts in the hands of the governing class and of those who can worm their way into that charmed circle a weapon of infinite menace.

Rousseau had distinguished between the Will of All, which was the sum of particular, individual wills, and the General Will, which was the common will directed towards the common good. "The important point in the idea of the Will of All lies in its being a sum of particulars as opposed to something common or general in its nature. Thus, in the limiting case, you may have a unanimous vote in favour of a certain course of action, and yet the voters may severally have been determined by aims and considerations which Rousseau would not admit to be capable of entering at all into a determination of the General Will."¹ The idea of the General Will is then buttressed by an analogy from the individual. A man can desire or will at one moment what he will repent of in a few days' time, and when asked why he yielded to his whim, he may reply, "It wasn't my real self that did it." To gain, therefore, a true conception of the individual's will we must inspect a considerable stretch of his life, not one or two incidental acts of volition. The real will of the individual is to be found in the acts of volition of which he has never repented. Now transfer this to society and it can plausibly be argued that a sudden decision by a majority vote may be

¹ Bosanquet, *Philosophical Theory of the State*, p. 111.

genuinely unrepresentative: in a fit of passion the people may choose a course for which they will ultimately be deeply grieved.

The statesman's task is thus to formulate the Real General Will, not a sum of particular wills. Legislation, which seems at first to be unpopular and undemocratic, may represent the General Will: if the measure is passed by Government pressure or a piece of political manœuvring, the people, who would have rejected it on a referendum, may later on realise its advantage and not press for its abolition. Here is a genuine case of that "forcible freedom" of which Rousseau spoke. It is comparable, indeed, to the case of a man determined to cross a bridge which the spectator knows will not carry his weight: the spectator warns him and his admonition is pooh-poohed. If the bridge collapses, it means death for the man upon it. Would not the spectator be morally justified in holding back the man by force in order to guarantee his real freedom? Most would agree that there is justification. Well then, the true legislator is equally justified in forcing the people to take or refuse some measure contrary to their momentary and particular wills in order to guarantee their real freedom.

That is not an unfair statement of the case for the General Will. But it will be obvious at a glance what tremendous powers are being placed in the hands of the legislator. Hegel had trusted to his monarch, but where shall our confidence be laid? In the State? But what is the State except an institution. In the governing class? But what is the governing class except a clique who may be as self-interested (and are usually more so) than any other class. Unless we abjure democracy (as Plato did) and pin our faith to the creation of autocratic philosopher-kings, the General

Will is a useless doctrine. No one, with recent history in his mind, is going to see either wisdom or unselfish devotion in the bureaucrats of any existing country. Who are these people that they should force us to be free? Far better trust ourselves to the sum of particular wills and to the rule of the common-place majority (however ignorant and selfish that majority may seem), than sell ourselves to a clique of pushing individuals who use their executive authority to masquerade as the saviours of society. The doctrine of the General Will is only applicable to a community where there is complete wisdom and complete mutual confidence; in other words, it is only applicable when it has ceased to be of any value. For such a community would have no need for rules and legislation, being morally capable of philosophic anarchy.

The concept of the General Will naturally accompanies the concept of the social organism. It is the will not of you and me, but of a new person, us. Spencer endeavoured to connect the idea of a social organism with his own individualism, and the logical results were disastrous. A belief in the social organism is the rational outcome of Dr. Bosanquet's refusal to see any real conflict between self and others. But the doctrine of the social organism is not only dangerous in its results, but extremely flimsy in its foundations. An organism is a physical growth whose parts are complementary; but these parts cannot exist apart from the whole. For instance, if you cut off a man's legs you cannot attach those limbs to another man; the legs are lifeless and meaningless without the owner. But a section of the State can perfectly well secede and form a new State: witness the *Mayflower* pilgrims. Witness also the new States that have been created by the Peace Conference. The analogy between the individual

organism and the social organism is hopelessly inaccurate. It would be ridiculous to claim that the finger has its own brain and spirit and independent life : it would be equally preposterous to deny these things to the citizen. If the concept of the social organism is rigorously applied the result is State-slavery on an unparalleled scale. Men are likened to fingers, and given no life but that of sensation and obedience. In fact, they cease to be men.

Again, how can the community have a will apart from the single wills of its members ? These separate wills may act in concert and such union will increase their vigour, just as men in crowds feel and act more violently than men in isolation. But there is no separate entity, "the crowd-mind." Mind is an attribute of brain : drug or strike the brain and it ceases to function. But there is no crowd-brain ; there is simply an aggregate of single brains. The minds of the individuals are doubtless affected by aggregation, so that the sum of the minds of the crowd differs from the sum of those minds taken in isolation. But if the general mind is a fiction, so too is the general will. For will, like mind, depends for its existence on a physical structure or person. The will must be somebody's will, and society or the State can only be given personality by a metaphor. Well would it have been for political theory if this metaphor had never been used, so formidable are the complications to which it has led !

Undoubtedly a purpose or an idea can be shared by groups of people, and it is perfectly justifiable to speak of a general idea. This idea exists in many minds and may be passed on from generation to generation. Any form of society usually or even necessarily has some common idea around which its activities centre. In any educational college or group of colleges there is an

idea or system of ideas shared by the majority of the members: they inherit the idea and alter it by their thought and conduct for good or ill; and this idea is then passed on to the newcomers, who in turn can mould it and refashion it. The same is true of any form of human grouping: men associate for some purpose, and ideas are generated and transmitted. There is a British idea of life and a French idea, an urban view and a rural view, a cosmopolitan view and a nationalist view, an artist's view and a tradesman's view. All these attitudes and concepts are bound to react on one another, and one may triumph over and destroy another. But the sharing of an idea in Trade Union or college, or town, or nation, or religious sect does not create new persons in any real or accurate sense of the word. And if there are no real persons apart from individual organisms, then there can be no real wills that transcend the separate wills.

Psychologically false, the doctrine of the General Will is also practically vicious. It hands unlimited powers to the person or persons who can claim to formulate it, and creates a superior class who can logically inflict "forcible freedom" on everybody else for their "real good." Plato and Hegel faced the results of their premises and stood rigidly against democracy. But few will be found in these days to join them in their stand: we have tasted overmuch the fruits of autocracy. Both identified State and society, and in that identification Dr. Bosanquet has, for all practical purposes, joined them. Man is thus delivered over to Cæsar, bound mercilessly in the shackles of "real freedom," and told to be contented because Cæsar knows all about his troubles. The nineteenth century restored Leviathan to social theory, but the new Leviathan was not so simple a monster as Hobbes' guarantor of security:

he had a touch of Pecksniff in his constitution. He was to devour us for our own good.

The theory of State sovereignty played naturally into the hands of the State Socialists. In Germany, Marx's hatred of the State as a bourgeois institution was forgotten and the "reformists" of the Bernstein school moved towards an economic as opposed to a militarist Prussianism. In Great Britain, Socialism began to be divorced from the idealistic communism of Morris and to be limited to "nationalisation of the means of production, distribution, and exchange." This involved a tremendous centralisation of power, and it was ultimately realised that such Collectivism, though tempered with some amount of municipal devolution, might really bring with it the coming slavery against which Herbert Spencer had vehemently protested. The efforts of the Fabians to permeate the bureaucracy with collectivist ideals resulted rather in the permeation of Fabianism by bureaucratic ideals, and their demand for administration by experts was never enthusiastically echoed by working-class Socialists, who clung to their belief that good government is no alternative to self-government. In France the Syndicalists threw down a vigorous challenge to State sovereignty: in England the theorists of National Guilds drew many converts from the former theorists of State action and began to absorb the younger generation of Socialists. The inevitable centralisation of power brought about by the war only served to reinforce the new ideas. Leviathan in action was found to be slow, cumbrous, and wasteful, and was soon deserted by its former lovers. The ideal of one central authority, omniscient, omnipotent, and omniscient, faded rapidly away in the light of a bitter experience. The wheel had turned full circle; the reaction against individualism, in itself natural and healthy, had gone

too far. The Greek philosophy, which was adaptable to the tiny unit of the isolated city state, where the State and society did largely coincide, was utterly out of touch with the huge nation state and the world of intricate political and economic relations. The Hegelian optimism, which had seen in the modern State the true society of virtue, had hardened to an acceptance and a defence of tyranny: superseding Benthamism as "gross," it was itself corrupted to a coarse philosophy of militarism. Toryism translated State-sovereignty into terms of Chauvinism and conscription, Liberalism into terms of compulsory insurance and regimentation of the poor, and Collectivism into terms of ruthless efficiency and business government. None of these ideals caught the popular imagination, and as a result political theorists began to cast doubts on the gospel of unified State-sovereignty and to reflect upon Lord Acton's suggestion, that the foundation of liberty is the division of power.

CHAPTER XII

THE STATE AND SOCIETY. FUNCTIONAL DEMOCRACY

THE doctrine of State sovereignty carries with it, almost inevitably, the identification of State and society. This identification, practically complete in the works of Plato and Hegel, has been modified by more recent apologists for the State. But, twist and turn as they may, they cannot escape altogether from the logic of their presuppositions. They may admit, for instance, that a man may belong to many other associations besides the State, but in a case of conflicting loyalties he must stand by the territorial unit, which is the real buttress against anarchy and the fundamental guarantor of an ordered, civilised existence. These groups, accordingly, both internal and external to the State, are allowed only a shadowy and ghostly life, and must vanish, like Hamlet's father, when the spirit's hour of liberty is spent. As for the State, should we still feel our loyalty commanded by some other body or by the individual conscience,

We do it wrong, being so majestic,
To offer it the show of violence,
For it is, as the air, invulnerable
And our vain blows malicious mockery.

But an analysis of modern society, which is not conditioned by any bias of metaphysical idealism, must undermine dangerously the foundations of State-sover-

eignty. The historical changes brought about in the course of social evolution must here influence our theory considerably. In the life of the Greek city, which Plato knew, the State and society were largely coterminous; the city wall did, in fact, enclose a small, coherent unity of interest and loyalty, and protect it from an alien, savage world. The various Greek city-states were separated from each other not only by the accidents of geography, but also by wide fissures in thought and culture. Political unity was rarely achieved, and military alliances against a common foe were not durable. An Athenian citizen worshipped the Athenian gods, voted only in the Athenian "ecclesia," witnessed Athenian plays, and regarded the cosmopolitan merchant-class as outside the pale of citizenship. He might visit some Pan-Hellenic athletic contest, but for the most part he joined no community which was not purely Athenian. Athens and Sparta were rivals in ideals and in arms, and had but the shreds and patches of a common culture; finally, they destroyed each other in a long war of attrition. It was both easy and natural for a philosopher brought up amid these traditions to identify State and society.

But the modern world as we know it differs totally from the Hellenic singleness and simplicity of organisation: and the doctrine of State-sovereignty, logical as it may sound to the deductive theorist of the study, bears little relation to the facts of common experience. It is obvious that the foundation of any political unit or social group must be community of will and interest. But when we come to consider the infinite complications of modern human relationships and the diversity of our interests and loyalties, it is quite impossible to regard the territorial unit of association as anything more than one form of grouping among many. This will be more

easily realised if we escape for a moment from the sphere of phrases and abstractions and put a concrete example, which is by no means a strained hypothesis or a situation manufactured to suit the argument.

A and B live next door to each other in a London suburb. Pure-blooded Englishmen are extremely hard to find, especially in London. Those who have no admixture of Welsh, Scottish, or Irish blood may have a streak of the foreigner or the Jew. But let us call A a genuine Anglo-Saxon. B has in him both Celtic and Jewish blood. Racially, therefore, these two burgesses of London and citizens of Great Britain are poles asunder. Now for their interests and ideals. A is Conservative and prefers reaction, which he dignifies with the name of "firm government." He supported the war partly because he would support any war and partly because he disliked Germans, not because he disliked autocracy and militarism; and when in 1918 his morning paper said that it would be far better to make peace with an unbeaten Germany than with unbeaten Bolsheviks, he applauded its sentiments. B, on the other hand, is attached to the Labour cause and supported the war solely on the ground that it was a struggle to dethrone despotism. A is a member of the Church of England, whose services he attends on Christmas Day and Easter Sunday, while he regards all other sects as infidel cliques of socially inferior people. B is an agnostic of a tolerant type. A scoffs at the League of Nations, while B works to give it life and strength. A thinks it pernicious nonsense to extend education and to spend money on it, while B is a champion of all educational activity. A regards all Trade Unions as works of the devil, while to B they are the hope of the world. While B is employed in social and political agitation or going to a Promenade concert, A is playing

golf or bridge, according to the time of day. What community of interests have these two fellow-citizens? None but the material ties of neighbourhood. They are both ratepayers to a borough and to the London County Council, and both desire the streets to be lit, dust-bins emptied, drains laid, water, gas, and electricity supplied. Both need buses and tubes and the maintenance of civil peace. Both pay national taxes, and swear at the way they are squandered by the bureaucrat who helps himself to a Roll-Royce at the public expense. Both swear in the same language, a language also shared by the inhabitants of New York and Tasmania. It may be argued that both, as British citizens, inherit a literary and social tradition and are thereby bound in fellowship. But true fellowship surely exists between B, a keen Shakespearian, and a German enthusiast who attends "unser Shakespeare" at the Reinhardt Theatre, not between B and A, who has never looked at Shakespeare since the compulsory reading of his schooldays. It may seem at first sight that the war proved beyond any doubt that loyalty to the Nation-State is the governing social motive, and that nationalism has far deeper roots than any other -ism. What the war did really prove was that fear can make strange bed-fellows; the lion will lie down with the lamb when a particularly formidable pack of wolves is at the door. But on the moment that the fear had passed the diversity of interests in each State became more marked than ever. The psychology of war made a Coalition Government possible in Great Britain, but with the return of peace-psychology the Coalition Government was violently repudiated. The temporary unity of interest between employers and employed, only maintained with the greatest difficulty during the war, began immediately to break up and the idea of State solidarity, to the exclusion of all other

loyalties, became too unreal to deserve the slightest confidence.

The truth surely is that A and B each have a widely different "spiritual home," and that this home cannot be delineated by maps and frontiers. A's interests coincide with those of thousands of other A's in England or America or France or Germany or Japan. B is one of an equally cosmopolitan fellowship. They are neighbours, it is true, but, if they are neighbours in London they almost certainly never speak to each other. Both, to sum up the position, are members of the same borough, the same county, and the same State, but they move in an entirely different society.

In the world of economics, as well as in the world of political and intellectual interests, the idea of the Sovereign State is equally illusory. Commercially we are linked up with nearly every country on the face of the globe, and our economic unities are as complex and as extensive as our intellectual ties. An English theosophist may be closely associated in faith with an Indian whom he has never seen, while his neighbours are all good Baptists; so, too, an English cotton-spinner is economically far more intimately bound to an American planter than to the school teacher who lives beside him. They both buy their groceries at the same store, but in so doing they are causing economic reactions all over the world. The mere purchase of a pound of sugar and a pound of tea has results which go radiating eternally outwards like the ripples caused by throwing a stone into a huge pond. This may seem so obvious nowadays as hardly to need comment; but it is well to remember that the conception of the national State developed with the breakdown of purely local craft industry. Tudor nationalism came in with Tudor mercantilism. At present we have only national

political organisations (the League of Nations being still a Concert of the Allies) to cope with international economic relations. That is to say, that while economically we are in a world utterly remote from the sixteenth century, our political unit is still the unit of Tudor times. In this case, beyond all shadow of doubt, there is no sort of identity between State and society. Even the hardest Protectionist would not set his ban upon all and every kind of foreign trade in order to preserve an artificial coincidence between political and economic relations. But if he really does aim at the self-sufficient and strictly independent State, that is the course he must adopt.

Moreover, the identification of State and society is as dangerous in its results as it is faulty in its logic. For this identification breeds the narrow mind of the militarist, and those who cannot find scope for their lust of dominion within the State, owing to the existence of law, are left with a lawless congeries of sovereign States wherein to exercise their acquisitive and destructive faculties. The declaration of an inter-State war shatters all the social bonds that run through and across the nations. Our neighbours A and B are immediately declared to be members of an indissoluble unity, and all those members of enemy States, to whom they are bound by common habits, interests, and convictions, are simply alien people, loaded with all the vices and existing only to be destroyed. If divergence of interest really makes killing no murder (which is the dictum of our present international morality), it would be far more sensible for A and B to snipe each other over the garden wall. For here are two people who actually differ in the essentials; their neighbourliness is the accident, while their philosophies are the root of the matter. The unity implied by dwelling in the same street may

be purely material ; often, of course, it is something more. In the past it nearly always was something more. But mechanical inventions have so widened and complicated the network of human intercourse that the old territorial units have become largely unreal, and can only be upheld with rigidity at a tremendous economic and spiritual loss to society. No sane man either expects or desires that all men should "become alike"; that "it takes all sorts to make a world" is a profound philosophic truth, and that men should disagree and argue about fundamental things is both natural and acceptable. Men must form their own groupings and associations according to all their functions and all their aptitudes. Society is both less than the State and far greater than the State, and those who work out their Social theory in terms of the State alone are living in a world of dreams, and those dreams mainly nightmares of blood and slaughter : for the idol of the State has exacted more cruel and needless sacrifices from its worshippers than any other false god of our contrivance. Obviously the territorial association is a matter of considerable importance, but the theorists who would thrust all and sundry into the Procrustean bed of the State are doing violence to the most valuable elements of society. To discuss the problems of community solely in terms of the State is now almost as sensible and as helpful as to discuss mechanical power and forces without admitting the existence of electricity. We must have a theory of the State, but only in relation to our theory of society. Accordingly political theory to-day, after its break with the Hegelian tradition that has been so fruitful of disaster, has a double outlook. It must seek at once to analyse the State into its component units, and to give those units, both groups and individuals, freedom of

development and self-expression ; and also to resolve the State itself into the all-comprehending unit of human society.

It is a common-place that another great war will bring the whole edifice of our civilisation crashing in irremediable ruin. We must keep the peace or we perish, and our social theory must therefore concern itself with the ways and means of transforming the anarchy of States into a true and permanent society. We have learned to our cost the lesson of unlimited State-sovereignty. Larger units of government and larger centres of loyalty must be devised to meet the larger relationships of the modern world. Before the war men were gradually feeling their way to international organisation. The existence of the International Postal Union was an admission that society was not bounded by the State-frontiers, while the Red International of Socialism, though the outbreak of war proved its colour to be rather a watery pink, was at least a theoretical concession to another form of international fellowship. The failure of the Churches to unite men of similar faith in different lands has been lamentable indeed, but their international weakness has been the reflex of their national weakness : neither faith nor labour can achieve an international solidarity until national solidarity has first been accomplished. The effects of the war have been twofold. In the first place, the interlinking of voluntary groupings in the various States has been stimulated ; there come to mind such organisations as "Clarté," an association of international and pacifist "intelligentsia," and the League of Youth, which has its origin in Denmark, and hopes to build up a fraternity of the young who are the victims of old men's wars. In the second place, we have now the framework of a League of Nations. Before

the war there had been limited schemes for international arbitration. "There were in 1914 as many as one hundred and twenty-two treaties of arbitration between States, and since that year a new type of treaty had arisen which establishes for the contracting parties permanent International Commissions."¹ The League of Nations should be an all-embracing effort to supersede these patchwork treaties and to provide one central and effective political organisation for the enormous framework of society. It should be the organ of law in a sphere where law is most vitally needed and the final sloughing-away of Tudor nationalism in a world that has long outgrown Tudorism. Working through a Council, an Executive, and a Judiciary, it may fulfil the purpose that logic proclaims for it, and give the formal unity of government to the informal unity of international commerce, art, and intercourse.

Here is a hook wherewith to bind Leviathan. But it must be a strong hook or it is useless, and the strength of the League will depend altogether upon the honesty of its components. There must be as genuine a respect for international as for national law, and a surrender of sovereignty by the States no less real than the surrender of individual sovereignty by the citizens in their particular nations. And, of course, all States must be admitted. Just as the existence on some subject of a State-law which is habitually disobeyed is worse than the existence of no law (for it brings the whole conception of law into contempt), so the existence of a sham League at which all the Powers secretly jeer will be worse than no League. Man has two alternatives before him; he can revert to State-independence and face the consequences, or he can go through with this

¹C. Delisle Burns, *Political Ideals*, 3rd ed., p. 314.

business of the League and pocket his petty national pride for the safety of the world. The middle course, the toying with the League idea, is not only cowardly, it is futile. We have entirely to revolutionise our old conception of sovereignty, if we are to make our social theory consonant with the new social relations. But organisations such as the League need the right spirit behind them, and this spirit should be encouraged to make its own machinery within the League. The federation of society into an ordered and peaceable unit will be all the more easily accomplished if there are many international associations of an unofficial type continually bringing the various nationals into sympathy and co-operation. A new Red International (or, if it is preferred, a new Tory International) must work for good quite apart from the success of the Socialist or Tory cause, because such organisations are the outcome of real unity of purpose. In the same way, if Christianity cannot organise on international lines, it is so much the worse both for Christianity and society. Social theory has progressed beyond the static conception of a single territorial unit; where two or three are gathered together in spirit as well as in place, in purpose as well as in residence, there is a form of community. Society is a network of these communities in theory, and it is our task to see that it becomes a network in practice. The agony and shame of war cannot leave political ideas untouched. In practice we have learned that social co-operation is essential to life: the new philosophy of society must transcend the narrow idealism of the Sovereign State and be responsive to the innumerable aspects of community.

Within the frontiers of the State a similar reconstruction of ideas is necessary. Before the war, criticism had been sapping the foundations of the

Hegelian theory. This criticism took many forms. On the one hand, Professor Maitland had derived from German juristic speculation the notion of group-personality, and his introduction to Gierke's *Political Theories of the Middle Age* has been recognised as a classic statement of group-theory from the lawyer's point of view. Again the Churchmen, with a taste for Disestablishment, realised the importance of group-personality for their own religious corporations. This aspect has been elaborated by one of the best read and most thoughtful of modern social theorists, Dr. Figgis, whose *Churches in the Modern State* is a strong plea for real, living, and self-determining groups within the State. Again, the Socialism of the 'eighties and 'nineties has been abruptly challenged by the younger opponents of capitalism on similar grounds. Guild Socialism differs from State Socialism mainly in its theory of the control of industry. It bases its hopes not on centralisation and on administration by the experts of a skilled bureaucracy, but on eliciting the democratic spirit in the industrial organisations. Regarding the State roughly as an association of consumers, it looks to the associations of producers, the Trade Unions and professional organisations, to demand status, responsibility, and self-government in the Socialist community. The lessons of the war certainly support the Guild Socialist theory that centralisation of powers in the modern State must be so enormous as to kill initiative, freedom, and self-respect. When the Guild Socialists demand "democracy in industry," they demand that the State shall be analysed into its component factors; the producers organised as producers, the consumers as consumers, are integral parts of the whole. State Socialism means consumers' domination, Syndicalism gives excessive power to the

producers. What is needed is a true partnership, a coherent society based on function; thus by giving social status and social duties to each partner, a democratic and an efficient Socialism can be constructed. Into all the details of their scheme we cannot possibly enter here. There is a growing literature of Guild Socialist theory, to which Mr. S. G. Hobson and Mr. G. D. H. Cole have been the main contributors.

The chief features of the latest political theory are insistence on democracy and insistence on function. The doctrine of State-sovereignty held by the metaphysical idealists might or might not be democratic. With Plato it led to an intellectual autocracy; with Rousseau it was whole-heartedly democratic. With Hegel it made for Kaiserism and rigid discipline. With T. H. Green it was democratic on the lines of the Liberal party. With Dr. Bosanquet it has a flavour of Charity Organisation. But now it seems that the ideal of democracy has come to stay. The modern reaction against the State has a strong tinge of individualism, and democracy is, in its philosophical essence though by no means always in practice, an individualist theory. Democracy as a creed, democracy taken apart from its machinery of representative government, insists that the welfare of all the people is the end of society, and that all are responsible for the promotion of that welfare. If we have a social right to happiness, we have also a social duty to create happiness. And that happiness which we create for ourselves is of greater value than the happiness which may be created for us by some omnipotent Cæsar. That good government is no substitute for self-government has now become a political catchword, and the belief that democracy is valuable because it makes us do things, not because it gives things to us, is becoming stronger

and stronger. The conception that communities within the State ought to manage their own affairs, that Churches should have their own life and liberty, and that industry should be controlled in detail by the workers engaged in it, not by beneficent supervisors from above, is really an expression of democratic individualism. It is a plea for splitting up the powers of one omni-competent Institution in order to save humanity from institutional tyranny. It is the dethroning of that monstrous Hegelian creation, God-Cæsar, than which no more healthy or democratic process can be imagined. But the individualism of this century differs from the individualism of last century in its acceptance of the group. Mill and Spencer imagined the tug-of-war to be between Man and the State, a view of society which is dangerously oversimplified. The new democracy endeavours to take the individual as the basis, but welcomes as valuable supports of freedom all the various associations and forms of community to which he is led by his interests. Dr. Bosanquet has said much about "positive" as opposed to "negative" freedom, but the group-theorists would seem to supply far more scope for that creative liberty. The philosophy of function is the root of the matter. Briefly stated, their argument is this: What interests have A and B in common as neighbours? They want the ordinary amenities of residence, light, drains, roads, etc. Then let the local regional unit be competent to deal with this. Their common interests as citizens of Great Britain are of a similar but larger nature. Probably the general national educational policy should be an affair of State; so, too, defence, until disarmament has become general. Taxation and law are plainly national in scope and incidence. And so on. Then let the national regional

unit, or State, be competent to deal with those matters which belong to it functionally. Religion is another affair. Therefore let each sect look to itself and be responsible for itself, provided it does not infringe the national system of law. Now for production. That is something very different from use, and the problems that face the producer are quite unknown to the consumer, who cannot possibly understand them thoroughly. Then let the producers look to their own affairs and assume responsibility with status. So much for workshop-management and control of industrial method. But what is to be made and what is to be charged for it are matters that touch the consumer. Therefore, parallel with the development of responsible productive Trade Unions or Guilds must be established Consumers' Councils; these may be committees of the State legislature or elected bodies *ad hoc*. Guild Socialists, for instance, are at variance as to whether the State can properly be called an association of consumers. Into all these intricate details we cannot possibly enter now. But the principle should be plain. It is a vigorous reaction from the theory of the centralised, all-inclusive State to a devolution of power along the lines of functional democracy. It is an attempt to devise social machinery that will adequately express the various interests and activities of men in a complex modern society. It is the complement of the internationalist's attack on State-sovereignty. While the latter demonstrates the fatal effects to society of leaving the State without the restraints of external law and jurisdiction, the group-theorist proves the immense destruction of individual liberty and happiness caused by centralisation of administration inside the State. One sets a hook in to bind Leviathan, and shackles his limbs with

ropes, while the other performs some very necessary operations on the monster's inner parts.

Against such group-theory as this two arguments are raised, seemingly but not essentially contradictory. One is that the community will be reduced to a squalid, angry anarchy of groups: there will, in fact, be too much freedom and too little discipline. The other is that real freedom may hardly be advanced at all, since, as far as the individual is concerned, the great Industrial Guild may be as remote and ruthless a master as the State itself. The latter argument is the more cogent. The group-theorist went out in search of liberty, and he saw the enemy of liberty to be the vast centralised State. Working on Lord Acton's principle that the division of powers is the road to freedom, he demanded a functional devolution. Doubtless this is a step in the right direction; but there are those who think it does not go far enough. Under the Guild Socialist regime the coal mines of Great Britain would be worked (in conjunction with the State) by a miners' Guild that would include quite eight hundred thousand members. It does not need a great flight of the imagination to see this huge corporation, however many electoral devices were introduced into its machinery, becoming autocratic in its policy and clumsy in its execution. To ensure that sense of individual responsibility which is the fundamental condition of a true democracy, there must be devolution within the Guild, both of a regional and technical nature. And the individual guildsman must bear always in mind that the price of liberty is eternal vigilance. He will be faced with a continual series of elections, political and industrial, and he will have to learn that the only way to fend off the usurpations of elected representatives is to keep a sharp lookout for himself. The

real truth is this: that no amount of careful social grouping, no amount of constitutional refinements and democratic dexterity, can ever be a guarantee of freedom. "'Tis in ourselves that we are thus or thus." Group-theorists are apt to fall into the fallacy of thinking that the mere existence of these associations within the State will in itself be good. But they can be valuable only in their effects on human consciousness. The group when organised becomes an institution even as the State, and can have all the vices of an institution. It may be invested with the super-personality that Hegelians give to the State and thus become as majestic and as tyrannous a master. This is, of course, not a serious argument against a sane group-theory; but the group-theorist who carries a balanced individualism in the heart of his social theory will do well to remember that the group may be just as good a servant as the State, and just as bad a master. New presbyter may once again prove to be old priest writ large.

The other argument, the charge of precipitating a disastrous anarchy, is far more commonly levelled at the champions of a functional democracy. The shaft, having both weight and direction, needs some parrying. But there is one fundamental truth to which we can often look with advantage. If men are in earnest, animated with a good will and working towards a clearly formulated purpose, they can make almost any machinery work; but, if they come to their task with doubts and quarrellings and jealousy, not even the most cunningly contrived machinery will function properly. The issue is not one of principle but of practice. All group-theorists would admit the necessity of some determinate sovereign in the community, but all group-theorists are not agreed as to who or what that sovereign should

be. The Syndicalist looks to the Central Producers' Council just as the State Socialist looks to Parliament. The Bolshevik looks to the Council of People's Commissaries. The Guild Socialist, with his surer political judgment and nicer taste for balance, looks to a joint body representing all the functional bodies, or perhaps simply to a joint Committee of the Guild Congress and State Parliament. It is all a question of reaching a *modus vivendi*, and if the practitioners of group-theory are in earnest there is no valid reason why they should not agree on the machinery that will guarantee law and order. No system is fool-proof, knave-proof, or, perhaps we may add, saint-proof. In any community there will always be people disputing the decisions of the sovereign and carrying their dispute into resistance: some will do so for bad reasons, some for very good ones. Just because law represents only the average intelligence and morality of the community, it is continually being resisted in one form or another by the very best and most conscientious citizens as well as by the worst. It is perhaps true that the group-theorist is making straight the way for the dissenter and even for the mere obstructionist, but unless we are to settle down as the sleepy slaves of Cæsar, some risks must be taken in the cause of a larger freedom and a fuller democracy. Whether the constitution, say, of a Guild Socialist community would be too unstable to serve its purpose remains to be seen. But if the people really wished to use it, they could make it work well enough; for there is plenty of wit in man for the creation of Utopias and for the architecture of constitutions. It is the good-will and not the ready brain that has been lacking so far. Group-theory is still in its experimental stages; but undoubtedly it has hit on a fruitful conception in the idea of functional

democracy. To ask that it should lay down cut-and-dried measures of constitutional construction to meet some possible conflict imagined by acute political casuists, is to carry criticism to unprofitable lengths.

The world of to-day is faced with a political paradox. The larger do our administrative units become the harder is it to give the individual a genuine sense of self-determination and to make democracy a living and a creative force. And yet, as we saw, the evolution of society has been such that we must create these larger units, superseding the State by the World-State, nationality by internationalism. At the same time as we are making these enormous groups, we are calling more and more upon the name of democracy and welcoming it as the hope of the world. Democracy depends for its success on the self-reliance and self-respect of the individual. But what sense of power and responsibility can flourish in the inhabitant, for instance of London, who is one burgher out of five million, one national out of fifty million, and one citizen of the world out of a thousand million? He feels swamped, petty, unimportant, and only the great gift of imagination can save him from political fatalism and despair. Democracy, then, would seem to cry out for small units, while the world's necessity demands large ones.

Thus social theory to-day is faced with a problem of infinite complexity. How are we to make the world one, as the Roman did, without destroying the spiritual vitality of society, as the peace of Cæsar undoubtedly destroyed it? Centralisation leads to torpor, devolution leads to disruption. On the one hand we are threatened with bureaucracy, on the other with anarchy. Is there a sane democracy which can sail safely between the two? On this tremendous question political theory to-day is mainly engaged and the group-theorist is

putting forth his reply. It is an answer very susceptible of criticism, but it is also an answer that must be faithfully pondered by every modern citizen who wants to make the world safe for democracy and democracy safe for the world.

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GENERAL

There is no good history of English Political Theory, taken as a subject by itself. Three volumes of the "Home University Library" deal with separate periods, namely, *Political Theory in England from Bacon to Halifax*, by G. P. GOOCH; *Shelley, Godwin, and their Circle*, by H. N. BRAILSFORD; *Utilitarianism*, by W. L. DAVIDSON; and *From Spencer to To-day*, by ERNEST BARKER. *Political Ideals*, by C. DELISLE BURNS (Oxford University Press) will be found useful, and Sir FREDERIC POLLOCK's *Introduction to the Science of Politics* (Macmillan) gives the lawyer's point of view in brief compass. This attitude is also emphasised by EDWARD JENKS in *The State and the Nation* (Dent), and by W. GRAHAM in *English Political Philosophy from Hobbes to Maine* (Arnold). A very different aspect of the question is expressed in BEER's admirable *History of British Socialism*, vol. i. (Bell). This historical treatment (the word Socialism is very broadly interpreted), coupled with the acute philosophical method of R. M. MACIVER in his *Community* (Macmillan), would probably be found most interesting and illuminating. On the purely philosophical side *Social Theory*, by G. D. H. COLE (Methuen), is certainly of primary importance.

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CHAPTER VII

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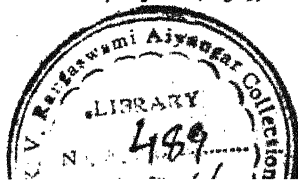
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